

The Europeanization of UK Drug Policy

Transnational Policy Networks and Evidence Based Policy-Making

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Abstract

The European Union (EU) has significantly increased its formal competencies in the area of drug policy since the Treaty of European Union (TEU) yet in practice drug policies remain varied from state to state. It is said that a European approach to drugs policy has developed, and that this is characterised 'as one in which evidence takes priority over ideology'. This paper seeks to better understand European integration in the field of drug policy and particularly the creation of this characteristic approach using the theoretical approach of Europeanization.

After examining the growing body of literature on Europeanization and the sources available in drug policy analysis, the first empirical section examines the history of drugs policy in the EU, from its intergovernmental beginnings towards the development of more independent EU institutions. It pays particular attention to the work of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) and Europol, as well as the effects of the EU drug strategies and action plans, on wider drug policy. It is demonstrated that the generation, collection and dissemination of information and intelligence play vital roles in the consolidation of European norms.

The second empirical section looks at the domestic impact of the EU on the UK and demonstrates how the UK, throughout the past 20 years, has sought to contest EU actions in the area and promote its own policy preferences. The UK has been successful in using European norms to further its own policy preferences and played a leading role in the generation of drug information. In recent years, however the UK's approach to law enforcement has been directly influenced by earlier EU norms.

Key Words: Europeanization, European Union, Drug Policy, Europol, United Kingdom

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Preface

Between January 2009 and October 2010 I worked in the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), in Lisbon, Portugal, as an intern in the Crime and Markets Unit. The EMCDDA is at the forefront of the EU's drug policy as the agency responsible for collecting and publishing comparable data on the drug phenomenon in Europe. When I arrived I expected to find an agency full of national difficulties, with 30 countries obliged to report their data in some kind of comparable format, I thought rivalries and misunderstandings would be commonplace. I expected typically eurosceptic countries to be distant and cagey and Europhile countries to be proactive and I expected the smaller countries to be in a weaker position than the larger countries.

Instead what I found was an agency which did not fit into any kind of stereotype of European integration. National and international experts would sit down together in order to increase the understanding and knowledge of drugs across Europe. The currency that the EMCDDA trades in is its scientific integrity and reliability. In order to build on this the agency has developed, in conjunction with national experts, a set of standards which makes the EMCDDA's data collection some of the most respected in the field. That is not to say the experts or the agency are always in agreement, I witnessed many such conflicts, but the point is to work out these disagreements to come to a shared understanding.

The EMCDDA is well aware of the deficiencies both in the data it already collects and the data it doesn't yet have the skill, knowledge or systems to collect and in continually working with the Member-states to further this knowledge. Recently this has manifested itself in a desire to increase the reliability and comparability of data related to drug 'supply reduction', drug policies intimately connected with law enforcement, which for a long time have been where the majority of national policy resources have gone but about which comparatively little is known.

The aim of this paper is to use my experience at the EMCDDA, along with extensive further research, to demonstrate how the policies of one country, the UK, can interact, influence and be influenced by such an institutional arrangement.

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Finally, and most importantly, this project would not have been possible without the love and support of my wife Sarah and my biggest thanks must go to her.

Author's Declaration

Except where indicated, referenced, otherwise cited this is paper represents entirely my own work.

1. Introduction

The European approach to drugs can be characterised as one in which evidence takes priority over ideology.

(EMCDDA, 2010, 13)

European integration, since the 1950s, has run parallel to the development of a mature international market for narcotic and psychotropic substances, with supply lines which extend from known areas of production, via transit points, to primary consumer markets (Europol, 2009; UNODC, 2009). The European Union (EU) is currently the second largest consumer market for illicit drugs in the world, after North America (EMCDDA, 2009; UNODC, 2009). It has been argued that the creation of the single European market for licit goods and services has had the unintended consequence of providing criminals with increased, transnational, opportunities. (Fijnaut & Paoli, 2004; Monar, 2006). It is this realization, and the desire to defend the single market against these threats, that has resulted in the EU gaining competencies in coordinating the fight against cross-border crime and, therefore, in combating drug trafficking¹ (Elvins, 2003: 70; Turnbull & Sandholtz, 2001). Although the EU has consistently supported comprehensive and 'horizontal' drugs policies, the policies themselves invariably involve a number of policy constellations. In this paper I will be focusing on one of the policy areas which very recently has been of great scientific interest amongst drug policy analysts (EMCDDA, 2010?), that of supply reduction.

It has been argued that the EU was only weakly involved in Third Pillar affairs due to the limited roles given to European institutions in the treaties constructing the Union (c.f. Sukalac, 1997). Whilst it is true that formal processes of harmonisation and hard law have been rarely used in this policy area a significant amount of soft law and informal 'socialisation' has gone on which has allowed the EU and Member-states (MS) to develop a 'common approach' to drugs policies whilst maintaining the

¹ Article K.1 of the Treaty on European Union (TEU) specifically states, "For the purposes of achieving the objectives of the Union, particularly the free movement of persons...Member-states shall regard the following areas as matters of common interest...(9) police cooperation for the purposes of preventing and combating terrorism, unlawful drug trafficking and other serious forms of international crime,"

legal sovereignty and diversity of Member-states. As the recent quote from the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) explains, this is an approach that values evidence, and by extension information and intelligence, and seeks to use the gathering and dissemination of information as a means to bring MS policies closer together.

On the face of it, *ceteris paribus*, the policies of the international drugs control regime would appear to be relatively homogeneous; states are obliged, under the conditions of three United Nations (UN) conventions, to prohibit the trafficking of scheduled drugs by means of criminal penalties (INCB, 2008; UNODC, 2009). Signatories are given a great degree of discretion in how they transpose these requirements into domestic law, with consideration to the large variety of legal systems and cultures, and indeed how these laws are interpreted and practice varies widely. As with most social policies, regulatory instruments (which provide punishment) are only one dimension of a broader public policy which also includes incentivisation (providing rewards and benefits) and communication (providing experience and information) amongst other policy tools (Hall, 1993; Knill, 2005; Knill *et al*, 2009).

The EU is often seen as a region with a particularly similar approach to tackling drugs, especially seen in light of the united positions taken and joint declarations given at international fora such as the UN Congress on Narcotic Drugs. In addition to transposing the UN conventions into the *acquis communautaire* the EU has actively developed a number of policies of its own, in response to the problem of drug supply, which aim to coordinate MS cooperation and encourage communication between MS and policy actors. Despite their common foundations, European drug policies continue to differ greatly at the domestic level (EMCDDA, 2009b; Jelsma, 2008). Both the level of EU involvement in domestic drug policies, as well as the impact of European institutions has been greatly contested by scholars. Intergovernmentalists have argued that this policy area, and all those that fell under the Third Pillar, remained under national control, ultimately subject to national policy preferences, an argument essentially supported by a close reading of the provisions of the EU treaties which severely limit the decision-making capabilities of the EU institutions. However, as this paper will seek to demonstrate, the scope of EU

decision-making goes beyond a legalistic reading or the creation of 'hard law' and, indeed, the evolution of EU policies over time provides empirical evidence of how EU wide policies can be shaped by domestic constraints and can mediate domestic preferences as well as shaping domestic policies themselves, even in a supposedly intergovernmental area.

Europeanization scholarship has provided a departure from traditional grand theories of European integration, such as intergovernmentalism and neofunctionalism, which have focused largely on the level of European institutions and the outputs at this level (Vink, 2002). By making *domestic change* the dependent variable, much can be learned about the sources of domestic politics regardless of the level from which it comes. In the case of drug supply reduction policy, however, that domestic change, even in the presence of both domestic and EU adaptational pressure, is minimal and even contested. This situation will be used to further bound the concept of Europeanization as a process of interaction between domestic and EU politics rather than a purely linear process.

Conceptualising Europeanization as *a process* through which MS feed policy problems and preferences into an EU institutional mechanism, before having them reflected back at the domestic level, allows us to explain adaptation or resistance as the product of a series of interactions, negotiations and compromises. In the area of drug supply reduction, domestic consensus regarding EU involvement in the area broke down when presented with the policy options of an independently acting EU – the ‘second image reversed’ presented the MS with a reflection they found unpalatable. Whilst MS maintain that drug trafficking is a problem that faces the whole of the EU there is still no consensus on how this should be dealt with at the EU level, what the priorities are and where the resources should be spent. Despite a long history of European cooperation at the political and technical level, attempts by the EU to facilitate operational coordination in supply reduction measures have been resisted at the domestic level and the compromises and negotiations in this area are demonstrated by an evolution in Justice and Home Affairs (JHA) policies.

This paper will seek to show this evolution by demonstrating that since the introduction of the policy area into EU affairs a consensus has been arrived, amongst

MS and within the EU, that international drug trafficking constitutes a serious domestic threat in terms of health and security, which, due to the functioning of the single-market and the opening of borders to people, goods and services, means there is 'added-value' for MS in dealing with some aspects of drug policy strategically at the EU level. These conditions have led to the development of EU institutions of governance, decision-making and otherwise, with competencies in the field of supply reduction, which help to shape the policies of the EU. These institutions include the European Commission and Agencies such as the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), Europol and Eurojust. Consensus on the *presence* of a common policy problem has not been complimented by a consensus on policy *solutions* at the operational level, as demonstrated by an evident gap between policy *intentions* and policy *outcomes* – the continued differentiation of domestic policies. Domestic dissensus has allowed independent EU level institutional logic to compete with domestic logic. As a means of both restoring a domestic consensus and strengthening the EU's bargaining position the logic of EU involvement has developed from facilitating unstructured, *ad hoc*, intergovernmental communication towards promoting structured, institutionalized, multi-level communication and the creation of a body of European-wide information and evidence. In recognising the importance of shared information and evidence and the creation of expert level groups the EU has better manage bond European policies and create a more effective overarching strategy.

To demonstrate this hypothesis I will be using the relationship between the EU and the United Kingdom (UK) as a case study. The UK presents a particularly interesting case in terms of its involvement with the EU as it is commonly viewed as a 'Jekyll and Hyde' partner in European integration (Brown Pappamikail, 1998). On the one hand successive UK governments have found it politically beneficial to publicly criticise deeper European integration and these reservations are formally manifested in the various opt-outs and opt-ins maintained in a number of key policy areas, including in JHA and the Schengen Accord. On the other hand, in both private meetings and through the interaction of UK national experts and 'technocrats' in Brussels and elsewhere it is generally agreed that further European integration is a positive means of achieving the UK's own policy preferences.

Due to the policy op-outs and its publicly reserved appearance, the UK has often been seen as a policy foot-dragger, particularly in the area of JHA, however this paper will demonstrate that by actively engaging in every stage of the EU's supply reduction agenda, from the drafting of comprehensive strategy documents to the participation within. Whilst Germany was originally considered to be a policy pace-setter in the JHA arena, and specifically in the promotion of a European-wide police force, with investigative and operational powers, along the lines of their own federal *Bundeskriminalamt* (BKA) (Monar, 2001; Woodward, 1993), the UK has taken over this role, shaping policies more towards its own preferences. Through European agencies and committees, including Europol, the UK has successfully promoted its own models and policies. The UK's strategic policy documents and the functioning of law enforcement agencies such as the Serious Organised Crime Agency (SOCA) mirror closely, in terms of aims and goals, what would be considered the 'European model'. In more recent years the UK's promotion of both intelligence-led policing and the increased use of scientifically gathered information and scientific research to supplement and support law enforcement policies and responses have led to the UK being one of the most 'European' of the MS in terms of the drug supply reduction policies.

2. Europeanization & Drug Policy: Theory and Epistemology

2.1 Europeanization, communication and policy learning

Since its inception as an economic and trade union the EU has developed a much wider and more comprehensive portfolio of policy competencies. There now appear to be few policy areas in which Member-states have sole responsibility and almost all European ministries or government departments will, in some way, be involved with EU affairs. In seeking to explain this shift in decision-making power and control from the nation-state to a supranational body, two broad schools have developed which approach the issue from different angles and which put different emphasis on the structures and power relationships involved. Intergovernmentalists, such as Andrew Moravcsik, have argued that decision-making at the EU level has been largely propelled by the needs of rationally acting MS who have pooled their resources for the sake of achieving previously identified national benefits. However, due to MS veto power (or at the least the consensual nature of much of the decision-making in the EU), the MS remain in the driving seat (Moravcsik, 1993). On the other hand there is another school of thought which argues that when political institutions are created they are created with an autonomy of action ‘built in’ to their design and which provides autonomy of action through the independent beliefs and norms of their actors. This is done to protect these institutions from being taken over by political rivals when political power shifts (Lowndes, 1996). In the case of the EU, neo-functionalists have argued that institutions that were originally designed solely for the purpose of economic cooperation have grown, multiplied and distorted from their original roles, through a process of policy ‘spillover’, into the wide range of policy areas seen today (Haas, 1961).

Recent literature has, however, been concerned that these grand theories of European integration struggle to either predict or explain the growth in the EU policy sphere and its timing (Ladrech, 1994; Vink, 2003). In the context of drug policies it does seem that the time between the Schengen Accord and the Maastricht Treaty was the natural period for the EU to extend its activities in the area of illicit drug policies. At this time, when the internal borders of Europe were opened and the single market created, there was a concern that these opportunities for legal trade could easily be

exploited by transnational criminals. This, however, could be interpreted as either natural spillover effect from economic policies or else exploitation by the MS seeking to further their own policy goals, for example by strengthening police powers and investigative capacity. The grand theories are often unable to definitively answer this 'chicken vs. egg' question related to the *breadth* of European integration because they are largely concerned with change at the EU level and the domestic level is often ignored. Due to this focus on EU construction, neither can they explain, with a degree of certainty, the *depth* of integration, to explain how far integration has progressed within the MS and, perhaps most importantly, the differentiated depth of integration between policy areas and in different MS. Perhaps the most fundamental developmental change in the EU occurred between 1986 and 1993, that is the signing and implementation of the Single European Act (SEA) and the Maastricht Treaty, which prompted a shift in focus in academic research, realising that using the EU as a research focus only gave half the picture the idea of Europeanization was to move the focus back to the MS level.

The large expansion of the EU's policy portfolio, the formalization of the institutions of governance necessary for the expansion, combined with the inability of the grand theories to provide explanations, led to an important development in European scholarship. A new research agenda emerged which, in a departure from previous EU scholarship concerned with the construction of EU level institutions and politics, focused primarily on the effect of the EU on domestic level institutions and politics. Europeanization, as this approach is known, became an increasingly popular term in political science, even spreading to other disciplines (Vink, 2003), from economics to legal studies, where the effects of European integration were needed to be understood and analysed.

A striking feature of the new research agenda was its early popularity which had the consequence of creating a contested conceptualization with up to 8 different definitions being used regularly in the literature (Buller & Gamble, 2002; Olsen, 2002), however, as the field has matured and, importantly as more empirical studies have been undertaken, some conventions have coalesced. Nevertheless, it is still important to clearly state which definition will be used in this paper as this has a fundamental impact on the parameters of the research. Europeanization is not

synonymous with convergence, neither harmonization, nor political integration, and should not be reduced to policy making at the EU level (Radaelli, 2000b:7) although the study of Europeanization is intrinsically linked with these phenomena. In its broadest terms Europeanization literature attempts to “*explain the domestic impacts of European integration on actors, processes and structures*” (Bolleyer & Radaelli, 2009: 384), but its development should also be understood as a step beyond more traditional theories of European integration, such as supranationalism, neofunctionalism and intergovernmentalism (Quaglia *et al*, 2007), in that it is understood as a *process of interaction* between MS and a (partially) autonomous EU with distinct institutional² attributes (Ladrech, 1994; Radaelli, 2000b: 3).

Early Europeanization scholarship adopted a ‘top-down’ approach by which the effects of EU-level politics on domestic politics were examined but it was quickly realised that, just as constructivist approaches to the creation of the EU missed much of the information, this approach too did not fully explain the European policy picture. Therefore more recent literature on the subject takes into account domestic inputs and preferences too and the effects they have on the nature of EU policies. This paper will demonstrate the importance of both of these dimensions as part of the overall process and, as such, will adopt Bulmer and Radaelli’s definition of Europeanization:

“processes of (a) construction, (b) diffusion and (c) institutionalisation of formal and informal rules, procedures, policy paradigms, styles, ‘ways of doing things’ and shared beliefs and norms which are first consolidated in the EU policy process and then incorporated in the logic of domestic (national and sub-national) discourse, political structures and public policies.”

(Bulmer & Radaelli, 2005: 341)

Such a definition fits in well with the historical-institutionalist agenda, being that it concerns a process which naturally occurs *over time* and primarily involves the creation of *rules, norms and beliefs*.

² Institutions here are defined rather broadly as, ‘*accepted and established sets of rules, norms and frameworks, with specific beliefs, competencies and legitimacy.*’ (from North, 1990 quoted in Pierson, 1996: 126; see also Lowndes, 1996: 182).

Political change is not easy to engineer and one of the fundamental characteristics of an institution is its resistance to change. Knill (2001, p135) argues that domestic administrative transformation requires two conditions, firstly the maintenance of a moderate level of adaptational pressure and secondly the support of domestic actor coalitions. One of the flaws of the approaches of integration macro-theories is that the effects of decision making institutions, and importantly the decision-enforcing instruments, are blunted by the principles of subsidiarity, proportionality and flexibility. These principles are fundamental to recent EU governance and dictate that decisions should be made as close to the citizen as possible, only where appropriate and MS should have freedom to adapt policy to their particular social and political context. These are dimensions that Europeanization research has tackled in the past. It is often the case that MS bring their own dishes to an already overwhelmed policy buffet but have the freedom to choose what they eat (or whether they eat at all).

The development of the Europeanization research agenda as a means to examine the increased competence of the EU, the policy areas covered by the literature have so far not strayed from the first ‘communitised’ pillar. Spheres such as environmental policy (Börzel, 2001), transport policy (Héretier *et al*, 2001), monetary policy (Radaelli, 2000a) and even education policy (Bache, 2006) have all received much scholarly attention, something which can perhaps be explained by the fact that in these policy areas it is understood that MS have delegated a great deal of power to the EU³. In the second and third pillars, or what were collectively known as the ‘intergovernmental pillars’, the received wisdom was that until the reforms of the Lisbon Treaty, and the abolition of the pillar structure, policy matters remained firmly in the hands of MS governments. This however vastly simplifies the working arrangements and dynamics of the areas in question, as Baker and Harding (2009:26) comment:

“it would be premature to conclude that the effect [of the Treaty of Lisbon]...will be to complete a long-term trajectory...from an

³ Delegation of power in this respect should not be confused with a delegation of competency. The delegation of competencies as agreed in Title 1, Art 2 of the Treaty of Lisbon (<http://www.consilium.europa.eu/uedocs/cmsUpload/cg00014.en07.pdf>) bares little correlation to the modes of governance employed by the EU in these areas as described by Knill & Lenschow (2005).

unequivocally intergovernmental past to a similarly supranational future. There are signs that the heritage of complicated and obscure method [in the Third Pillar] may still be resilient and influential.”

One of the most important of the early conclusions of Europeanization literature was that the effect of Europe is not felt and reflected equally amongst MS leading to greater or lesser degrees of differentiation (Heretier *et al*, 2001). This differentiation has not been viewed as particularly detrimental to the European project (European Commission, 2001) in fact it has been argued that given the concerns regarding loss of sovereignty at the domestic level, plus the complexities of working with 27 different political cultures, this state of affairs is to be expected and encouraged (ibid). The complexity of interaction between actors at the EU and MS level (Pierson, 1996), along with the expected differentiation in national outcomes, has made establishing causality particularly difficult.

One feature of the EU that supports the argument that it is unique amongst international organizations is the sheer variety of modes of governance available and the flexibility with which they are used. Distinct from the instruments of governance available to the EU, such as the use of directives or committees, which are set out in the treaties, the modes of governance are the overarching strategies of policy control between the EU and MS. These modes have been labelled *compliance*, *competition* and *communication* by Knill & Lenschow, (2005) which amount to similar principles as described by Bulmer and Radaelli (2005: p341) when they refer to hierarchy, negotiation and facilitated coordination. Compliance signifies the imposition of binding rules on MS which, if transgressed, have real consequences. Competition is the insistence that MS remove barriers that inhibit fair competition, and communication is the provision of arenas (or ‘laboratories’) in which ideas might be exchanged. Although it is acknowledged that within specific policy areas two or more modes of governance may be used simultaneously (Knill *et al*, 2009: p523), it has been argued that the Third Pillar has primarily used governance by communication (or ‘facilitated coordination’) (Baker & Harding, 2009; Bulmer & Radaelli, 2005; Monar, 2001; Turnbull & Sandholtz, 2001). This is demonstrated by the large number of policy ‘laboratories’, such as the European Police Office (Europol), Eurojust and the European Police College (CEPOL), that have been

created in this area. The idea of these laboratories is to foster a change in institutional beliefs, as well as promoting 'Europeanness' and policy exchange in addition to any form of operational role they might have (Council of the European Union, 2009: p9). In terms of compliance modes, between 1999-2003, the JHA arena accounted 0.1% of EU regulations in place, compared to 5.7% in the environment and consumer protection and 42.4% in agriculture and fisheries (Christensen, 2010: p11).

The use of communication as a governance strategy has increased massively since the inclusion of social and home affairs in the EU policy portfolio which, it has been argued, is something of a counterbalance to the high degree of sovereignty maintained by MS (Hooghe and Marks, 2001). It argues that policy networks work at a number of different political and geographical levels, through and around national governments. When MS cannot or will not commit themselves to binding decisions then policy learning, through policy networks, has been viewed as a means to establish some form of domestic policy coordination.

Policy learning is aimed at, and impacts on, networks at different political levels – "EU level learning", "Hierarchical learning" and "social, or bottom-up, learning" (Radaelli, 2008: p241), returning to the previous definition of Europeanization it could be suggested that the processes up to EU level and back down to the MS level may contain, to a greater or lesser degree, elements of policy learning. In redefining guidelines or rewriting policy documents, after the experience and evidence of MS implementation efforts, policy relevant knowledge diffuses to the EU from the bottom up (ibid: p244).

Since the development of communication as a legitimate EU mode of governance a more formalized version has been developed. The Open Method of Coordination (OMC) was aimed at social policy areas and was launched at the Lisbon European Council of 2000. The OMC provides a structured framework of agreed benchmarks and timetables, and other 'soft law instruments' by which MS policy implementation may be assessed. Naturally the rigid format of the framework has allowed researchers a great opportunity and much has been written about the observed and perceived successes and failures of this system through a variety of policy spheres in

which it has been used. This, however, has led to other systems of communication and policy learning, often less formalized but older and more established, being largely ignored by researchers. Drug Policy is not party to the OMC, but has been a sphere in which many of the elements have been tested in a more informal manner. The development of Europe-wide expert networks, coordinated by a central EU focal point, has been long established in the drug field, as has the development and implementation of scientific indicators, guidelines and ‘best practice’. This “open method of coordination in disguise” has been identified in direct taxation (Radaelli, 2008: p242), but unfortunately seems to have been ignored in the case of drugs policy. One suggestion for this lack of engagement is the complexity of the policy field, as well as the problems with data and the multidisciplinary nature of the field but these reasons are discussed in more detail in the research design section.

The field of drug policy has also been at the forefront of what has become known as ‘agencification’, in which policy goals are achieved through the creation of independent EU agencies. The roles of these agencies vary but can generally be divided into three classes: information and monitoring (I & M), co-ordination and capacity building (C & C), and regulation and oversight (R & O) and are independent to a greater or lesser degree (Wonka & Rittburger, 2010). Agencies are an increasingly popular tool in European governance because, although they may be influenced by the domestic preferences of MS, they are out of the direct control of the MS. There are a number of agencies involved in the drug policy sphere but this paper will concern itself with three in particular: The European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), the European Police Office (Europol) and the European Judicial Office (Eurojust).

As well as influencing the modes of EU governance, national preferences have a fundamental impact on the modes of adaptation which are ‘downloaded’ to the MS (Börzel, 2002; Bulmer & Radaelli, 2005). Whilst it is argued that there is sufficient evidence that adaptational pressure alone (at both the EU and national level) is not a good indicator of whether Europeanization takes place (Bulmer & Radaelli, 2005), this pressure will be different across MS dependant on existing domestic policies, institutions and beliefs (Börzel & Risse, 2000; Heretier, *et al*, 2001; Lenschow *et al*, 2005) and also the policy dimension adapted (Knill *et al*, 2009). Whilst EU drug

policies have provided MS with a level of adaptational pressure, this is not sufficient in itself to promote domestic change. EU adaptational pressure has been successfully resisted by domestic actors (Knill, 2005: p135).

As a final word on Europeanization and policy learning in the Third Pillar it must be mentioned that relatively little has been written about the effects of epistemic communities on the process. There are several factors which would suggest that the drug policy sphere would be an idea arena for epistemic communities to flourish, these include the complexity of the area, the scarcity of data and its highly political (and also moralistic/subjective) nature (Haas, 1992). Börzel and Risse (2000) have argued, in agreement with Haas' general epistemic community hypothesis (ECH) (1992), that epistemic communities located at different levels of the EU/MS policy process are positioned to successfully induce change and promote new policies. One of the considerations of work in JHA must also be to establish (1) whether these communities exist, (2) where they exist and (3) the effects they have on both promoting and resisting change.

2.2 *Justice and Home Affairs – on the margins of political science*

Disciplinary 'purity' in academic work has both advantages and disadvantages. On the one hand, having a cross disciplinary approach can lead to both theoretical and conceptual confusion - on occasions terms can mean very different things in different fora⁴. Conversely, approaching one field that has traditionally been the domain of single discipline from another can offer new insights and a 'fresh pair of eyes'. Traditionally the domain of JHA has fallen within legal scholarship and rarely approached by traditional political scientists, but, as Connant (2007: p46) persuasively argues, the limitations of this are that the social sciences (including political science) and law have fundamentally different aspirations and therefore methodologies, with legal scholarship much more reliant on narrative. If we wish to examine the area described as "*top of the EU's policy making agenda*" (Monar, 2001:

⁴ An example of this are the terms *regulation*, *conclusion*, and *decision* which in legal terms have quite general meanings whereas in the context of EU studies mean quite specific things (Müller *et al*, 2010) and conversely *harmonisation*, which in legal terms means specifically the change or adoption of similar legislation across countries but in political science has been conceptualized in a number of different ways.

p748) from the perspective of political science then the legal literature is of limited use.

That is not to say it is of no use - one of the principle contributions of legal literature to EU studies has been its comprehensive narrative account of the progress of the JHA policy sphere at the EU level (see for example Baker & Harding, 2009). Scholarship in the discipline of political science largely follows a similar narrative approach (see Lavenex & Wallace, 2005; Turnbull & Sandholtz, 2001), and perhaps the most regular contact between the two words has been Jörg Monar's annual summaries of activities in the JHA field, in the *Journal of Common Market Studies* annual review (Monar, 2007; Monar: 2008; Monar, 2009). For sake of brevity, the history of the policy sphere need not be recounted here other than to state that JHA had its beginnings in the Single European Act (SEA) and was formalized in the Treaty of Maastricht, this timescale provides a temporal framing for this paper. The current political climate provides an interesting context in which to study the sphere of JHA, as the area finds itself undergoing significant change due to the Treaty of Lisbon. The dismantling of the 'pillar structure' and the incorporation of the policy field under the title of the Area of Freedom, Security and Justice is an indication that the governance of the field could be entering a period of adjustment (Baker & Harding, 2009: 26). It is, therefore, an ideal time to assess what the impact of the EU has been up to this point.

The specific policy area in question, drugs policy, which is a branch of JHA, has been described as emerging onto the scene from a process of institutional innovation (Monar, 2001; Turnbull & Sandholtz, 2001) and specifically as an elite-led project (Aden, 2001; Elvins, 2003). An important development in the field has been the attempts to circumvent domestic elite groups through the creation of, and reliance on, elite groups at the EU level which continue to be one of the fundamental driving factors behind EU drug policy (Council of the European Union, 2009b: p8; Loader, 2002). The effect of this, it is suggested, has largely been constrained due to, amongst other things, a lack of operational capacity at the EU level (Monar, 2006: p507) and the continued resistance to these EU institutions at the domestic level (Council of the European Union, 2009a: p16).

A primary criticism of existing research in the field of JHA, in relation to the aims of this paper, is that in addition to being primarily narrative in nature, there is a tendency to view policy spheres as one-dimensional. The focus has largely been on cooperation in policing (Aden, 2001; Elvins, 2003; Loader, 2002; Vreugdenhil 2007), rather than viewing the whole criminal justice paradigm as the product of the interaction between institutions. With regard to the different legal systems and traditions throughout Europe these can be broadly defined as *government, law enforcement, prosecution, judiciary* and *corrections*. It would be unlikely that any EU impact in drug policy would effect a single institution in isolation and therefore this paper aims to provide a cross sectional approach.

2.3 *Drugs Policy – Critical analysis?*

The international drug control regime has, since its inception, been the subject of a great deal of media as well as political attention, a level of attention not yet matched by scholarly interest. As something of a latecomer to the international regulation and control of drugs, the impact of the EU has received noticeably less attention than the policies of the UN and individual nations (Chatwin, 2003b; MacCoun & Reuter, 2002; Thoumi, 2009). By the time that international drug trafficking became matter of interest to the EU, informally around the period of the SEA (Elvins, 2003, p70; Boekhout van Solinge, 2002), all European MS were already signatories to the most important international treaties⁵. These treaties ensured that the production, trafficking and use of scheduled drugs were subject to criminal sanctions (Thoumi, 2009; UNODC, 2008).

Since coming onto the European agenda the EU has attempted to present a consistent and united policy, both internally (Council of the European Union, 2004) and externally, this is despite radically different traditions between MS (Chatwin, 2003b). The politicized nature of the international drug control regime has seen the promotion of what has been described as a ‘European model’ for progressive drug

⁵ The Single Convention on Narcotic Drugs was signed in 1961, the Convention on Psychotropic Substances was signed in 1971 and negotiations were well under way for the signing of the convention Against the Illicit Traffic in Narcotic Drugs and Psychotropic Substances in 1988. A detailed history of the international drug regime is provided by the UN in their annex to the 2008 World Drug Report: 100 Years of Drug Control (UNODC, 2008).

policy in opposition to what is often portrayed as a more prohibitionist American policy⁶ (Jelsma, 2008). Yet many of the studies that advocate this stance are far from being scientifically rigorous (for examples of advocacy in the field see Allen *et al*, 2003; Green, 1996a; Huling, 1994) and few, if any, address the common challenges understood when undertaking cross-national drug policy analysis: *Data scarcity*; *Poor data quality and comparability*; *Weak causal inference*, and; *Unknown generalizability* (MacCoun & Reuter, 2002: p8). These concerns will be addressed in more detail in the research design section of this paper.

Much of the current social science research in drugs is aimed at addressing the first two of those challenges. The conceptualisation of drug markets along with the responses to them have provided the bulk of recent publications (Brombacher & Maihold, 2009; Browne *et al*, 2003; Bunt *et al*, 2003; Dorn *et al*, 2005; Gruppo Abele, 2003; Matrix Knowledge Group, 2007; Reuter & Trautman, 2009), yet these all concentrate on a bottom-up approach, often with small, local or domestic, points of reference and there is, to date, no Europe-wide study examining the impact of the EU on domestic drug policies. Another weakness of current research is its cross disciplinary nature: as argued by Ritter (2006) and Dwyer and Moore (2010), rather than uniting the field, the cross disciplinary approach has so far succeeded in further fragmenting it making comparison more complex. Whilst this paper does not attempt to add to the conceptualisation debate it must, nevertheless, be taken into consideration in the research design.

The diffusion of drug policy across the policy spectrum, from crime and border control to health and education (for EU coordination in drugs see Boekhout van Solinge, 2002; or for a comparison of national coordination see EMCDDA, 2001) has presented researchers with an additional complication and has meant that empirical studies on the impact of the EU on national policies have, thus far, taken a back seat to isolated examinations of national policies or small comparative studies. One of the few studies to look at drug policy across the EU from a transversal perspective is Chatwin (2003a) who advocates the harmonisation of European drug policies based on *the similarity of the statistical nature of the illicit drug problem in*

⁶ <http://uk.reuters.com/article/idUKTRE50T3AK20090130>

Europe, combined with a stated European will for harmonisation (ibid: p5). Whilst the scope of the study is to be applauded, Chatwin relies on criminal justice figures and health and prevalence statistics to argue the statistical similarities between the countries without taking other national trends into account (EMCDDA, 2007; EMCDDA, 2008a; EMCDDA, 2009a). An example of this would be Chatwin's comparison of the maximum penalties for drug offences with cannabis prevalence rates. As the recent study by the EMCDDA (2009b) shows, the sentencing of drug offenders, aside from being extremely difficult to compare across Europe due to national legal differences, vary hugely from the established guideline maximum sentences. This paper uses these statistics sparingly, primarily to establish the case for paying special attention to the UK within the European drug situation.

To approach drug policy analysis in a transversal or comprehensive manner is extremely complex and time consuming therefore it is much more common to research one aspect of drug policy. When researching police cooperation in Europe in the field of drug trafficking, both Elvins (2003) and Vreugdenhil (2007) conceptualise the process as network-driven. Elvins approaches the issue from the EU level, charting the institutions and processes created for directing domestic policy at the EU level and claiming that the cooperation in this field is a story of success. Vreugdenhil approaches the issue from the national level, particularly from the Dutch perspective and is much more critical in his view of the effectiveness and efficiency of European cooperation, echoing the criticisms of Monar (2006), that national resistance and operational 'bottlenecks' are a serious constraint on European cooperation. Both, however, agree that the process is still in a developmental stage.

3. Methods & Research Design

There has, in recent years, been something of an explosion in research and analysis of drugs policies, however, much of this comes in the form of either narrative description, lacking an analytical base, or critical analysis which veers towards outright advocacy, promoting one specific policy position or another in place of existing policy responses. In a departure from this, this paper seeks to explain the interaction between domestic policies and the EU, using the analytical tools developed by Europeanization scholarship and, rather than seeking to promote one policy over another, it will seek to better understand the dynamics of European integration on domestic politics.

In this section I will explain the methods chosen for analysis, the data selected and how this fits into the research questions I have posed. Firstly, I will discuss how the complexity, inherent in this field, is to be dealt with by the use of the case study method and how this will impact on the chosen analytical approach of Europeanization. Secondly, I will discuss the case choice, its context within the larger European drug situation and justify the UK as an example worthy of special consideration in this area.

3.1 - Engaging with complexity: the case study method

As mentioned in the introduction, drug policies are incredibly complex concepts and have proven particularly difficult to analyse with any rigorous scientific or analytical approach. This is in large part because drug policies cut across such a wide variety of policy areas, institutions and government ministries. Not only is reliable data particularly hard to come by but it is also very difficult to associate specific policy interventions, outputs or instruments to any single actor or group of actors. The EMCDDA has previously conducted a study into the many possible configurations and models of drug policy coordination across Europe (EMCDDA, 2001) and produced at least three basic models of policy coordination. These coordination models are invariably flexible and impermanent as they are subject to frequent changes and modifications for a variety of political reasons, not least due to elections and changes in political power. One detailed example from the UK, which shows the

complexity of drug policy coordination, comes from the first UK Drug Policy (UK Government, 1994), whereby a high-level committee for the coordination of drugs policy is established. This committee was made up of the following members:

Lord President of the Council of Ministers

Solicitor General

Minister of State, Home Office

Paymaster General

Minister of State for the Armed Forces, Ministry of Defence

Minister of State, Department of the Environment

Minister of State, Scottish Office

Minister of State, Department for Education

Parliamentary Under-Secretary of State, Foreign and Commonwealth Office

Parliamentary Under-Secretary of State, Department of Health

Parliamentary Under-Secretary of State, Welsh Office

In this brief snapshot of time, representing one political moment in 1994-5, 11 different government departments were simultaneously involved in the creation and administration of policy in the area of illicit drugs. Similar situations occur throughout the world, and particularly within the EU, resulting in incredibly complex configurations of policy networks. These arrangements make the allocation of resources, the coordination of policy and the attribution of outcomes to actions particularly difficult for policy practitioners and policy analysts alike.

One method used by many in the field of drug policy analysis has been to try and simplify these arrangements. Artificial and analytical boundaries have been created by academics and practitioners in order to better understand these complex relationships. One of the most enduring has been to establish a difference between 'demand reduction' and 'supply reduction', with a third horizontal term, added in relatively recent times, 'harm reduction'. Figure 1 demonstrates typical analytical divisions created to better understand drug policy. Demand reduction responses are those policies and actions which seek to reduce the number of people wanting to take drugs, these includes prevention programmes, drug treatment and, by extension, are linked to harm reduction methods such as syringe exchange and injection rooms. Supply reduction responses are those policies that seek to reduce the availability of

drugs in a particular location. These responses are typically, although not exclusively, linked to law enforcement agencies and the criminal justice system. Harm reduction as a concept has recently, and controversially, been increasingly used in terms of supply reduction (Elvins, 2008) in the context of developing law enforcement strategies that better focus resources on drugs and activities that do the most harm.

Figure 1 – A Typical Demand Reduction/Supply Reduction Model

	Demand reduction	Supply reduction
Responsible departments/actors	Department of Health; Department of Education; NGOs	Department of Interior; Department of Defence; Department of Finances (Customs)
Typical responses/policy measures	Prevention campaigns; Drug treatment & rehabilitation	Drug seizures; Arrests
Policy indicators	Number of users in treatment; Treatment responses	Number of arrests/offenders/convictions Quantities of drugs seized Purity of drugs seized
Harm reduction responses	Syringe exchange Injection rooms	Community policing

It is important for researchers in the drug field to remember that whilst these divisions do serve an analytical purpose, in allowing policies and networks to be examined in greater detail, without the 'noise' of competing actors, institutions and policies, in practice there is a great deal of confusion in the running of policies. As Reuter (2009) points out, one of the most difficult things to take into account in drug policy analysis is the unintended consequences. It is argued that health and demand reduction responses will undoubtedly have an effect of supply reduction and law enforcement and vice versa. Interventions such as mandatory, Court enforced treatment regimens are one specific example of a policy response that would be hard to place in a classical 'supply reduction/demand reduction' analysis.

The simplification of drug policies into demand reduction, with largely health based responses, and supply reduction, with its largely law enforcement based responses, has had the consequence of over simplifying the analysis and debate around these policies. One of the most common approaches to viewing drug policies has been to place national responses somewhere on a one dimensional scale between liberal and repressive. This has allowed some countries, notably the Netherlands and, more

recently, Portugal (Greenwald, 2009), on the liberal side to be held up as cases of best practice to other countries with more punitive policies, often the USA but also the UK and Sweden (Chatwin, 2003). Two fundamental flaws with these studies is that frequently they fail to take into account the complexity both of national context and the policy field itself, instead focussing on a small number of policy outcomes or legislation, the resulting analysis does not sufficiently establish causal mechanisms.

There have recently been moves away from this over-simplistic approach and drug policy analysts are increasingly engaging with the complexity of the subject by developing case study analyses with cases taken either from a specific manifestation of the drug phenomenon (Zobel & Götz, 2011) or else a narrow but deep examination of a specific country (EMCDDA, 2011). The case study offers a particularly useful method of examining drugs policy, which, we have to bear in mind, is comparatively uniform across most countries, specifically EU countries. The three UN conventions that comprise the international drug control regime compel signatories to prohibit the possession of scheduled drugs and to take measures to punish offenders. These articles have been fully incorporated within the *acquis communautaire* and so much of the flexibility of the EU MS lies with their interpretation and their cooperation with each other.

The case-study approach has both strengths and weaknesses as a method for political analysis. Critics often point to the highly contextualised nature of cases, the limited possibilities for generalisation and the risks of verification bias as some of the primary weaknesses of the case-study (Flyvbjerg, 2004). Rather than considering these issues as limitations it is more productive to view them, as Gerring (2004) argues, as trade-offs. This paper will not seek to generate causal inferences which can be used to generalise across cases, but rather detail descriptive inferences. Instead of testing theoretical presuppositions this paper will seek to generate and build upon theoretical mechanisms that drive informal and complex interactions between actors.

As Europeanization specifically seeks to understand domestic change and often seeks to explain differentiated integration (Héretier *et al*, 2001) it is very important to consider national context in each case. Both the domestic political context as well as

national patterns of drug use are going to have a large impact on the shape of drug policy and how it is effected by European norms. Because the case-study method takes a deep look rather than a broad analysis these considerations can already be taken into account and factored into the analysis. Rather than seeking to generalise over a large number of cases a small-*n* case study allows an in depth understanding of a particular manifestation of Europeanization under certain conditions and constraints.

The two points of analysis in this paper will be the EU and the UK, and it will be seeking to better understand how domestic preferences are fed in to the EU level and the impact of the EU's policies on the UK. It could be argued, from a 'top-down' perspective, that the EU provides the framework within which the MS actors operate, however, this paper intentionally seeks not to overstructuralise this relationship in such a linear fashion, instead concentrating on the creation of collective strategic contexts and the interaction between individual strategic actors (Hay, 2002: p131), therefore creating a self-sustaining policy cycle. Whilst the EU may not be structurally or functionally equal to the UK in terms of its decision-making ability, this paper will present it as a strategically significant mediator of national preferences and will seek to investigate the impact and the constraints placed upon national actors generated by policies and politics coming from the EU.

Such an analytical perspective is beneficial to the understanding of mechanism of Europeanization. Many authors have shown Europeanization processes occurring at an institutional level and are deeply connected with actors' beliefs and preferences. In this particular area of drug policy there is a significant lack of reliable statistical or quantitative data, because data collected by law enforcement agencies is often unscientific, meaning that is often collected without resort to basic scientific methods or principles, and is collected for operational reasons rather than for any deeper level of analysis or evaluation (EMCDDA, 2002), although a significant recent shift in this philosophy will be discussed later.

In establishing and understanding the changes in beliefs and policy goals it is, therefore, important to gather data from sources as close to the actors involved as possible. Policy documents, strategies and white papers, written and oral evidence to

committees, all demonstrate policy aims and it is important, when examining these sources, to take into account the intended audience, be it the general public or other practitioners or policy makers. The sources of data will be discussed later in this section.

3.2 Case Selection – The UK: the 'Jekyll & Hyde' of Europe

At first glance the UK would seem an unlikely choice as a case for better understanding processes of European integration. The UK's involvement in the EU has been described as like 'Jekyll & Hyde' (Brown Pappamikail, 1998) on the one hand the UK publicly distances itself from the EU and European institutions, finding it politically beneficial at home to present a Eurosceptic approach on most matters regarding the EU. This is supported by recent polls which show the UK public as some of the most sceptical of the benefits of the EU and the least trustful of EU institutions (Eurobarometer 75). The UK's activity in private, however, in the meetings of the various EU institutions, committees and agencies paints a different picture that this paper will go on to demonstrate. There is a growing body of work showing that the UK is particularly skilled at employing its 'soft' power to influence the direction of EU policy in line with its own domestic interests and preferences (Adler-Nissen, 2009; Naurin and Lindhal, 2010; Weiner, A, 1999) this has particularly been the case in the field of drugs where the situation in the UK demonstrates some of the most challenging policy problems in the EU.

When choosing the case to be analysed it is of vital importance to take into account the context of the drug situation each state and across with wider European context. The drug situation in Europe varies greatly, both in scale, character and responses, and is described annually by the EMCDDA's annual report, using the latest data provided by the NFP of each MS. Whilst differentiation across individual nations are observed, there are some general trends and models which are also evident (Zobel and Götz, 2011). In terms of general drug use there seems to be some strong geographical patterns to the popularity of certain substances. This is a combination of cultural preference as well as the ease of supply of certain substances. Generally speaking trafficking of specific substances follows certain routes, large ports and transport hubs are always going to be attractive to drug traffickers but Western and

Table 1 – European Drug Statistics

Country	Lifetime Prevalence (15-64)		Drug Law Offences (2009)		Drug Seizures (yearly mean 2005-2009)		
	Cannabis (%)	Cocaine (%)	Use Related	Supply Related	Cannabis Resin (kg)	Cannabis Herbal (kg)	Cocaine (kg)
Belgium	14.3	:	26655	13608	19121.8	6351.4	4820.2
Bulgaria	7.3	1.7	2767	830	16.4	886.4	107.2
Czech Republic	27.6	1.5	285	2044	3.9	179.6	14.8
Denmark	32.5	4.4	:	:	1643.8	178.0	69.8
Germany	25.6	3.3	169689	50965	4554.8	4593.6	1490.0
Estonia	:	:	3452	789	95.4	13.0	13.2
Ireland	21.9	5.3	:	:	3965.8	546.0	495.0
Greece	8.9	0.7	:	:	2079.2	7843.0	209.6
Spain	32.1	10.2	372230	25390	581971.0	1566.6	37838.6
France	30.6	2.6	137594	9299	62539.0	3360.6	7071.6
Italy	32.0	7.0	36731	23187	23410.2	4380.8	4229.6
Cyprus	11.6	3.0	560	162	27.5	175.4	6.0
Latvia	12.1	2.3	3267	815	2.1	22.0	3.82
Lithuania	11.9	0.5	1313	832	44.0	112.8	10.4
Luxembourg	:	:	1081	141	3.8	25.6	3.0
Hungary	8.5	0.9	4048	655	9.4	264.6	14.6
Malta	3.5	0.4	462	161	27.8	115.3	11.0
Netherlands	22.6	3.4	:	10303	6683.3	5490.0	11900.0
Austria	14.2	2.2	19735	2066	185.0	817.8	103.2
Poland	9.0	0.8	46123	20829	43.8	471.6	69.2
Portugal	11.7	1.9	7549	2615	32731.6	1097.6	13499.6
Romania	1.5	0.1	:	:	20.4	797.4	290.8
Slovenia	:	:	3244	976	1.4	292.8	28.4
Slovakia	16.1	1.2	620	433	0.5	74.8	77.5
Finland	14.3	1.1	11268	923	312.2	53.6	3.6
Sweden	14.3	3.3	33640	3707	1154.6	265.0	314.4
United Kingdom	30.2	7.7	99861	27515	27314.4	23689.6	3241.6
Source: EMCDDA Statistical Bulletin 2011							

Southern Europe are particularly popular for Cocaine which is typically grown and

produced in the Andean region of South America and comes to Europe directly or through the Caribbean or West Africa (EMCDDA, 2010; Europol, 2009; Zaitch, 2003). As shown in Table 1 below the highest seizures of cocaine along with the highest lifetime prevalence follow this general geographical pattern. In each column of Table 1 the top five in each variable are highlighted. In Eastern Europe and Scandinavia the more popular stimulants are typically synthetics, amphetamine and methamphetamine which are produced locally (EMCDDA, 2009; EMCDDA, 2010). Cannabis is highly prevalent throughout Europe but here the divide is typically between cannabis resin, largely produced in North Africa and popular in Southern Europe, and herbal cannabis, increasingly produced within the EU and more popular in Northern Europe.

As Table 1 demonstrates the UK is near the top of the rankings in a number of drug indicators. Its level of Cannabis use is 5th in the EU, 30.2% of UK citizens aged 15-64 had used cannabis at least once in their life. Cocaine use is 2nd in the EU with a lifetime prevalence of 7.7%. In terms of drug crime the UK is also near the top in a number of variables: in 2009 the UK had the 4th highest number of use related drug offences recorded and the 2nd highest number of supply related offences. As seizure figures can be distorted due to a small number of large seizures or because of operational priorities, a more accurate measure is an average over a period of time. Between 2005 and 2009, UK law enforcement seized on average 27,314.4kg of cannabis resin (5th in the EU) and 23,689.6kg of herbal cannabis (1st in the EU) as well as 3,241.6kg of cocaine (7th in the EU). These figures show that the UK is a primary drug destination within the EU and provides a large percentage of the market share for drug dealers. Often drugs intercepted in Spain, Portugal, Belgium and the Netherlands, typical drug transit countries, have been discovered destined for the UK market, and there exist networks of criminals in continental Europe with close links to UK criminals (SOCA, 2011).

Such a significant drug problem has prompted a wave of research and the UK is home to a number of well-respected research institutes and Non-Governmental Organizations which specialize in drug research. DrugScope, Transform Drug Policy Foundation and the Institute of Criminal Policy Research are just a number of the research groups that regularly publish work in this area. UK researchers also

contribute significantly to international drug research and play prominent roles in international drug research networks. The UK provides the second biggest contribution, after Spain, to the Exchange on Drug Demand Reduction Action (EDDDRA), a European database of evaluated best practice programmes (EMCDDA, 2008: 31). The UK has been a member of the Reitox network, Europe's network of national drug research units, since its inception in 1993 and is one of the most well established and productive National Focal Points (NFP) in the EMCDDA's network, both in terms of the quantity and level of involvement and the quality and innovation of its research. In addition to its annual reporting obligations, the UK has contributed to every edition of the EMCDDA Selected Issue publication series, where specific contemporary key issues are analysed, as well as the full range of other publications such as Monographs, Insights and Thematic Papers. In addition, the UK is seen to lead the field in terms of its policy evaluation and its innovative approach to assessing drug harms (Nutt *et al*, 2007). This paper will make much use of this growing body of scientific work, nevertheless a large part if it undoubtedly focuses on policy outcomes and visible indicators and the work on the formation of policy, particularly in the context of the EU, is much harder to find. The last section will examine the nature of the sources which will be used in this paper.

3.3 Data and Sources

Many of the weaknesses and data gaps in drug supply reduction data have already been discussed and have been frequent matters of concern to policy analysts working in the area, not least those who seek to compare different states or systems (EMCDDA, 2002). When studying the UK and its own particular policies there is an additional problem in the nature of the UK political system. The unique constitution and political system of the UK has encouraged strong administrative regionalism. Devolution, as well as separate legal systems, has resulted in individual drug policies for England & Wales, Scotland and Northern Ireland. The drug problems in the different constituent countries of the UK also varies greatly, with lifetime prevalence levels for cannabis use in adult males ranging from 23.7% in Northern Ireland to 36.7% in England & Wales (EMCDDA, 2011). Despite this difficult administrative terrain this paper seeks to examine the UK as a whole because the majority of policies and resources, particularly the relationship of institutions and policies with the EU,

are decided centrally by the Westminster government. Where policies, responses or other institutional arrangements are specific to a certain region or country then this will be made explicit in the analysis.

Aside from the data produced on an annual basis by the UK NFP, and published by both the UK Government and the EMCDDA, there is a high amount of textual data that is rarely examined in a policy analysis context. It is widely known how much of each drug is seized by UK Customs every year and how many people are convicted of a drug crime each year but it is a little more difficult to establish more subtle policy goals such as why the UK may focus its resources on cocaine one year and the next year on heroin. The UK's policy goals and preferences when considering international cooperation and the EU are particularly difficult to establish and so answers to questions such as why UK law enforcement would seek a greater involvement with Europol and seek the help of Eurojust in obtaining more European Arrest Warrants must be found in sources closer to the policy actors. The UK was one of the first European countries to publish a comprehensive drug policy (UK Government, 1994) and this was accompanied by a great deal of additional policy documents such as research and consultation papers. Strategy documents, such as a published Drug Strategy or Drug Action, typically constrain actors by assigning resources towards the completion of certain specified policy aims and goals. In recent years these documents have become increasingly sophisticated, often with more specific policy indicators, timescales and responsible parties.

Part of the system of oversight of the UK Parliament is the establishment of Select Committees. Both the House of Commons and the House of Lords have committees and are made up of MPs or Lords from all political parties. The purpose of these committees is to provide information, advice and criticism on current and future government policies and to do this they have the power to call and cross examine expert witnesses and receive statements and data from a wide variety of government departments and agencies.

Two of the most important committees, for the purpose of this paper, are the House of Commons' Home Affairs Committee and the House of Lords Committee on European Affairs. Both these committees have produced detailed reports on the

UK's drug policy and particularly on issues of international cooperation and the impact of Europol on the UK's law enforcement system and legislation. Both the written and oral evidence of experts and government departments are used to write reports outlining the current situation and making policy recommendations accordingly. The evidence provided to the committees, because of the nature of cross examination, is often extremely insightful and offer a particularly productive way of understanding the policy goals of government as well as institutional change in certain governmental organizations. These committees allow analysts to draw a great deal of evidence on both the logics of appropriateness of policy practitioners, at all levels, and also what they believe the consequences of policy will be.

In addition to the UK Drug Strategies, a great deal of information can be taken from the EU's policy documents. The EU has been producing Strategies and Action Plans in the fight against illicit drugs since 1990, although the first comprehensive strategy document to be complimented with action plans came in 1994 and covered the years 1995-1999. After this period there was a further assessment exercise which resulted in the publication of a document called EU Baseline 1999 (European Commission, 1999). These documents set out the aims, priorities and policies to be followed over a set period of time, usually five years. In constraining and shaping the policy options for MS these documents can be seen as tools based on the logic of appropriateness, because for their duration they set out, in increasingly specific terms, the appropriate action to be taken by MS in the field of drugs policy. During the effective period of each Drug Strategy, MS action is constrained by the actions agreed to and set forth in the document. It is not a case that MS are limited to solely undertake actions in the Strategy, leaving no room for unilateral or bilateral action, however, as all actions have been previously agreed for mutual benefit, any actions which specifically and openly run contrary to the spirit and aims of the Strategy would be noted and be seen to be deviant behavior.

In the course of the next two sections, therefore, a number of textual sources will be used in order to better understand the goals, aims and preferences that compete in drug strategies in Europe and how these help us better understand Europeanization processes. This paper will seek to first present the form in which mediated MS preferences have taken in the EU, its agencies and institutions. These then provide

policy goals and logics of appropriateness within policy networks at the international and domestic level. The second part will focus on the UK and how domestic actors and institutions there have projected and incorporated their national preferences into a great European policy and the impact this policy has had on domestic institutions.

4. Joint European Action in Supply Reduction and the EU's Impact

Before 1992, joint European action in the field of drugs was largely in the hands of a few, often secretive, expert-led networks made up of senior law enforcement officials, civil servants and political elites. There was a consensus that decision-making related to drug control should be intergovernmental and based on the advice and information of law enforcement actors. Three documents fundamentally altered this situation and paved the way for an independently acting EU to play a greater role in national and international policy, the Schengen Accord in 1985, the Single European Act (SEA) in 1987, and the Treaty on European Union (TEU), signed in 1992 in Maastricht. Much has been written on the effect of these instruments on the issues of European integration and state sovereignty, which does not bear repeating again here, although the first part of this section will briefly describe their importance with regards to the introduction of illicit drug control into the EU policy portfolio.

The first part of this section, therefore, will describe joint European instruments and actions in the field of drugs before 1992, a period where the foundations for deeper integration were laid. The second section will describe the period between 1992 and 1999, a time in which the high hopes for joint action and cooperation, at the outset, were quickly tempered. This period saw not only the creation of two EU agencies working in the drugs policy field but also the first Commission authored EU drug action plan which ran from 1995-1999. The third section will cover the period 2000-2008, a period of reflection and re-evaluation of the overarching aims and possibilities of European joint action in drug control. During this time the second European drug action plan was launched (2000-2005), followed by the first coordinated drug strategy (2005-2012) which was combined with two concurrent drug action plans (2005-2008 & 2009-2012). The final section will look at some of the lessons drawn from these important policy documents as well as looking forward to future trends in European drug policy.

4.1 - Pre-1992: The foundations of EU involvement

The 1957 Treaty of Rome provided a legal basis for joint European action in the field of drugs, giving what was to become the EU a decision-making role in the spheres of public health, trade control of chemical precursors and cooperation in development

(European External Action Service, 2002). Until 1992 the topic of drugs remained a low priority, behind economic integration, and it was not until 1969, at the initiative of the French President, Georges Pompidou, that drugs moved onto the policy agenda. Even then, the first steps were taken outside of the formal EEC framework. In 1971 an intergovernmental organization bearing his name, the Pompidou Group (PG), was created. Originally the PG comprised the six members of the EEC at the time (France, Belgium, Germany, Italy, Netherlands and Luxembourg) plus the UK, whose EEC accession talks were advanced. By 1980 the group was integrated into the framework of the Council of Europe (Council of Europe, 1980a) which was a purely intergovernmental organization, emphasising the supremacy of national decision-making in this area.

The initial brief of the PG was multidisciplinary, to study health and prevention as well as law enforcement related issues. One of its most important impacts was providing a forum for national law enforcement experts to meet and exchange experiences and knowledge. This forum existed at a technical level and allowed the idea of shared European policy problems to develop. Amongst the topics discussed frequently in the PG was information and intelligence exchange, comparative repressive measures in drug control and the harmonization of national legislation. Perhaps the best example of this technical discussion group is the PG Airports Group, an annual meeting of law enforcement and customs officials whose role is the exchange of operational information and trends in the detection of drugs seized at airports.

By 1985 the EEC was facing new political challenges in response to the discussions surrounding the Schengen Accord and the SEA. It was feared that the free movement of people and goods, envisaged in the Single Market, could be exploited by organized criminals to facilitate illicit trafficking. At this time the EEC already had an organized crime and terrorism taskforce, TREVI, which had been established in 1975. In 1985 a new working group (WG III) was added to the TTEVI framework bringing drugs into their policy portfolio. Like PG, TREVI was intergovernmental in structure, being linked to the European Council. It operated on three decision-making levels, at the highest was the ministerial level and, below this, the senior official level. These groups met every six months to sign off on decisions most often made at the lowest level, the working groups or technical level. The working group

level was made up of national experts and senior national law enforcement officials (Elvins, 2003, p86).

The impact in practical or operational terms, of both PG and Trevi on European cooperation, was limited and their functioning was largely at working group level, maintaining a distance between the technical experts and the upper level of decision-makers. Their reports were rarely published⁷ or widely disseminated. Despite this, their influence lay in their legitimacy as national law enforcement experts and their ability to exchange experience and influence without consideration to national political pressures or preferences. Politicians and policy makers who did have decision-making powers frequently followed the direction of these groups as the technical expertise added legitimacy to their own decisions and it was recognised that these working groups had the broadest and most comprehensive information available on the issue. Perhaps the greatest impact of these groups was the way in which they managed to embed the principle that, as Elvins (2003, p82) puts it, “...policy design of this form should be delegated in the first instance to functional-technical actors to establish both strategic rationale and parameters for policy actions.” Effectively illicit drug control is a law enforcement (repressive) activity and policy should be left in the hands of (law-enforcement) experts and not in the hands of politicians or experts from other fields. These early fora established a principle that information and evidence are of vital importance in the development of drug policy, though in these cases they gave the legitimacy for the generation of information to law enforcement actors.

In 1986 the European Commission was given a seat in the PG as a participatory member and increasingly took a lead in shaping a European policy. Whilst the PG and TREVI did much to foster informal law-enforcement co-operation, national governments remained in overall control of national policy and there was little in the way of structured or coordinated action at the European level. The creation of the European Committee to Combat Drugs (CELAD), in 1989, had an important impact in reaffirming drugs policy as a European political issue rather than simply a law enforcement issue. Comprised of nominated national drug coordinators and a representative of the Commission, CELAD operated outside of the formal EU

⁷ The reports of the Pompidou Group Airport Group remain confidential to this date.

institutional structure but reported directly to the Council (Boekhout van Solinge, 2002, p24). CELAD's main responsibility was coordinating the EU's drug related activities, emphasizing that the existing technical groups were to be only one part of future European joint action.

CELAD has been criticised as producing little in concrete terms (Boekhout van Solinge, *ibid*), although as it was made up of Member-state (MS) governmental level officials it did provide a political legitimacy to European intervention in drug policy and CELAD was important in its advocacy of the ratification of the 1988 UN Convention Against Illicit Traffic in Narcotic Drugs and Psychotropic Substances by all EEC members (Elvins, 2003, p94) which went some way to the harmonisation of drug laws across Europe and throughout the world. CELAD is also credited with two important contributions to European policy: the group was largely responsible for drafting the first two European drug strategies which, in turn, led directly to the creation of the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), the first independent European agency working in the field (Estievenart, 1995, pp68-71).

The first two European drug strategies were introduced at the European Councils of Rome (1990) and Edinburgh (1992). The impact of these strategies was limited due to the few substantive Community powers in the field of drugs, and they also lacked specific policy programmes, objectives or indicators to allow their evaluation. These early strategies were limited to recommending specific areas of importance to the MS who should then implement recommendations using their own powers and initiative. In terms of drug supply reduction these measures included making searches at external borders a priority as well as increasing cooperation in the surveillance of internal borders (Estievenart, *ibid*). As with the outputs from PG and Trevi, CELAD emphasised that coordination should be at the MS level and provided no formal or informal mechanism for this to take place.

Despite the lack of concrete policy objectives or goals in the first two strategies a movement in that direction can be observed. The EMCDDA, the role of which was the gathering and dissemination of policy relevant data and information, was viewed as a tool to allow policies and interventions to be assessed using hard evidence in the future. Many of CELAD's functions, especially that of providing a forum for

national drug coordinators, were consumed by the EMCDDA after its creation. As Estievenart states CELAD was ‘a key factor in the political mobilisation which has grown in parallel throughout Europe’ (ibid, p.61), effectively preparing the way for the European institutionalisation of the fight against drugs that was formalised in the Maastricht Treaty.

In the pre-Maastricht era policy networks within the EU were largely informal and intergovernmental in nature. Groups like PG, TREVI and CELAD had little or no decision-making ability but were vital in creating a shared policy space and defining drug trafficking as a Europe-wide problem with Europe-wide policy responses. These networks also formed a bridge between law enforcement actors, who had the technical knowledge and legitimacy, and political elites, who had the political and decision-making legitimacy. MS had been enthusiastic to participate in informal groups but had shown reluctance to commit themselves to specific action, either through common legislation at the European level or through the Drug Strategies. This period is marked by an evolution towards more institutionalised and formal policy networks consisting of national experts and ‘technocrats’, drawn from outside the traditional field of law enforcement and criminal justice, and demonstrates that the EU was moving in a direction whereby the production of information would remain in the hands of legitimate national experts but the legitimacy for the collection and publication of the information moves from the MS to the EU and from law enforcement to researchers and academics.

4.2 – 1992-2000: Towards a modern drug policy

The effects of the TEU on the EU’s competence in the field of drugs cannot be underestimated Etievenart (1995), Boekhout van Solinge (2002) and Elvins, (2003, pp100-139) provide detailed accounts of the formal institutional changes during this period. Lack of space prevents me going into any depth here but it is enough to reiterate that, as stated above, pre-Maastricht, much of the joint action in the field of drugs had taken place on an informal basis either outside of the EEC framework or between national experts who reported to intergovernmental fora. Aside from a place at the table in the PG, the Commission was largely removed from decision-making in drugs and EU policies had little impact on MS as any actions or suggestions from the Commission were non-binding.

With the adoption of the three pillar EU system, drugs policy was divided across all three pillars, with supply-reduction nominally falling under the intergovernmental Third Pillar. Under this system, both the Commission and the newly created EMCDDA, still retained an influence in all drug related issues but ultimately decision-making ability resided with the MS. The EMCDDA was created with, *‘the understanding that the brief of this Centre would cover not only the social and health aspects but also other drug-related aspects, including trafficking and repression’* (Council for the European Union, 1993, p2). In the founding regulations it is also made clear that the Centre existed to provide both *‘the Community and its Member States with objective, reliable and comparable information at European level concerning drugs and drug addiction’*, however it, *‘may not take any measure which in any way goes beyond the sphere of information and the processing thereof’* (Article 1). Whilst a role of simply producing information may appear limiting, in effect the EMCDDA constrains the ability of MS to evaluate and produce drug policy using their own evidence. This has a major impact on the Europeanization of drug policy because, as argued by March and Olsen (1989), one of the fundamental ways in which populations hold their decision-makers to account is through information. This information must be seen, both internally and externally, as legitimate and accurate and the EU was increasingly taking responsibility for the production of information that national governments could be evaluated on.

The EMCDDA also acted as a multilevel forum for a wide variety of national drug experts, from practitioners and academics to policy-makers and political elites. The agency was supervised at the highest level by a Management Board comprised of nominated MS officials as well as representatives of the Commission and European Parliament. In addition to this there was also a Scientific Committee to ensure the standards and integrity of the work conducted and increasing the agency’s scientific legitimacy. The EMCDDA was also granted powers to arrange expert meetings and conduct pilot studies throughout the field of drugs and, vitally to the functioning of the agency, it was given some authority over a network of national focal points (NFP) who would gather data in their respective countries. The EMCDDA was also given the task of coordinating, *in conjunction* with the NFP, the development of common indicators of the drug problem and a data collection system.

The EU's policy objective of increasing MS sharing of information in an independent institutional mechanism was also evident in the creation of Europol, initially through Article K.1(9) of the TEU. As Fijnaut (1992, p105) and Woodward (1993, p12) describe, the idea of a European police force was an old one and it was Germany who pushed forward the idea, having in mind a force run on similar lines to their own federal BKA (*Bundeskriminalamt*), with operational and investigative powers throughout the Union to combat drug trafficking, participate in cross border chases and coordinate national police responses. Despite the backing of the EU and a number of MS, the idea of an international police force with cross-border operational powers was heavily contested, not only at the political level by other MS, but also by senior police officers who felt that such an international force would compromise their own ability to allocate resources. There were also criticisms that Europol could simply be replicating the role of Interpol in many cases and such a repetition would be a waste of scarce resources. Europol's initial role, as defined originally in the annex to the TEU and later confirmed in the Europol Convention of 1995 (Article 3) would be:

- *support for national criminal investigation and security authorities, in particular in the coordination of investigations and search operations;*
- *creation of databases;*
- *central analysis and assessment of information in order to take stock of the situation and identify investigative approaches;*
- *collection and analysis of national prevention programmes for forwarding to Member States and for drawing up Europe-wide prevention strategies;*
- *measures relating to further training, research, forensic matters and criminal records departments.*

Europol had as its first priority (Europol Convention, Article 2) the suppression of drug trafficking and would serve as a liaison to facilitate the flow of information between MS investigations. In this initial phase it was to know known as the 'Europol Drug Unit'. Staffed by seconded national law enforcement officers, the initial Convention did not give Europol any independent operational or investigative powers and the organization was reliant of the initiative and compliance of the MS. The office was required to produce an annual report on the work it had done in the

previous year and given the important function of coordinating joint training between national law enforcement officers.

The creation of both the EMCDDA and Europol instituted, for the first time, European networks, nominally independent from the MS, for the gathering of drug related information. The former would provide comparable current and historical data on the nature of the drug phenomenon across Europe, along with trends in use and current responses, and the latter would provide real-time, operational intelligence for the use of domestic agencies. The future of European joint action in drugs was outlined in the European Action Plan to Combat Drugs (European Commission, 1994). The first ‘modern’ European drug strategy was published in 1994 and covered the period 1995-1999. It can be considered modern in the sense that it was comprehensive and cross-pillar, covering the whole range of drug related issues, including health, education and criminal policy, and was drawn up with contributions from actors working across a number of fields. It is an important document because, firstly, it was produced at the initiative of the Commission and its focus was on Community action. The contribution of all MS ensured that the final document was a consensual compromise but this also strengthened the power of the document. MS compliance with the strategy was seen as important for maintaining trust amongst EU partners.

Whilst the section of the action plan on supply-reduction defers to the responsibility of the MS, under Title VI TEU, for action related to police-cooperation, the emphasis of the document is on Community action as shown by the wording of the introduction (European Commission, 1994, p.iii):

Action for the purpose of tackling the problem of trafficking in drugs will require action at both the level of the Community and in the context of the implementation of the provisions of Title VI of the TEU on Cooperation in the field of Justice and Home Affairs.

The document gives primacy to MS whilst explicitly carving out an independent role for Community action, in doing so MS acknowledge the ‘added-value’ of the EU in complimenting domestic action. At the Community level this mainly consists of the ‘development of networks for the rapid exchange of information, training etc.’ (ibid),

but there are opportunities for further cooperation envisaged even within the constraints of the treaty structure, 'Title VI of the TEU also creates new possibilities for action at Union level in areas traditionally the preserve of inter-governmental cooperation' (ibid). The Commission also shares the right of initiative with the MS in those areas of drug policy not expressly covered by Title VI and, in the first drug action plan, this was manifested in the desire to create greater interdisciplinary groups, exchanging information and experience in both demand reduction and supply reduction and cementing a move away from a largely law-enforcement defined problem.

Strategy documents, such as the Drug action plans, demonstrate Europeanization processes in drug policy. In line with Bulmer and Radaelli's definition of Europeanization (2005), action plans explicitly demonstrate the formalisation, construction and institutionalisation of shared beliefs and norms, in the form of specific policy goals and objectives, at the European level and they shape domestic policy in line with this. This is a particularly effective 'soft-law' approach to policy convergence because it allows MS the opportunity to promote their own preferences whilst any measures that deviate too far from the majority can be vetoed. It is also the case that the strategies and action plans give MS the opportunity to work on community goals within their own domestic political, legal and social contexts, thereby maintaining differentiated integration patterns.

In terms of 'hard-law', formal and binding legislation in the form of Regulations, Directives and other legal instruments, the Community was severely constrained in the measures it could adopt due to the primacy of the MS. The specific area of supply-reduction policy in which the EU had the greatest degree of impact was in the trafficking of precursor chemicals. Provisions of the SEA and TEU gave the Community a greater degree of initiative and decision-making power on the regulation of licit trade into the community, between MS and between third countries. This led to a number of agreements and regulations restricting the trade in chemicals used in the preparation of illicit drugs between MS and third countries⁸.

⁸ For examples see Council Regulation (EEC) 92 No 900/92 laying down measures to be taken to discourage the diversion of certain substances to the illicit manufacture of narcotic drugs and psychotropic substances as well as Council Decisions 95/567/EC, 95/568/EC, 95/569/EC, 95/570/EC and 95/571/EC, regulating trade with Bolivia, Columbia, Ecuador, Peru and Venezuela.

Aside from customs controls in licit and regulated substances, the EU had little influence on MS drug legislation. The UN conventions still provided the framework for control, but outside of this there was a great deal of variation both in how the conventions were adapted into domestic law and how those laws were implemented. There was an attempt with Joint Action 96/750/JHA, in 1996, to again institute better comparability in national law and practice. The Action contained three main objectives, the approximation of laws, the closer cooperation of domestic legal agencies and the creation of an early warning system for new illicit drugs entering the market. The early warning system is still in operation and acts as a joint project run by Europol and the EMCDDA. The other objectives were prescribed in more vague terms and none were achieved.

4.3 - 2000-2008: A comprehensive and concrete approach

The first European action plan provided the first formal mechanisms for independent Community action in drugs at the Union level since the TEU came into force. The EU would still be working under the constraint of the MS, who retained the right of initiative in matters related to Justice and Home Affairs (JHA), although even in this field the Commission could act in areas not covered by the TEU and in which it was felt there was a Community interest. In order to establish this Community interest the Commission was aided in its work by the institutions it had previously helped create: the EMCDDA and Europol, whose contribution was in helping to frame policy problems in the context of a larger regional picture. Whilst MS still had the decision-making capacity to police drug trafficking according to their own legal and political traditions, they were now provided with a body of evidence that demonstrated the importance of acting together and coordinating responses.

A strong criticism of Community action up to 1999 was that it lacked concrete terms and objectives, especially in the field of supply reduction. Actions were described vaguely without any objective indicators or measures of assessment. In 2000 this approach changed with the publication of two complimentary documents: the European Union Drug Strategy (2000-2004) (Council of the European Union, 1999) that was produced to outline the approaches to be taken and the outcomes to be achieved, laid out in general terms, and this complimented by the European Action Plan on Drugs (2000-2004) (European Commission, 1999). These documents were

produced by the Commission after consultation with the MS and the European agencies working in the area. The Action Plan is an important document which, for the first time, links the general aims of the drug strategy to around 100 concrete tasks which will direct the actions of the EU and the MS.

The Action Plan translates the aims of the strategy into individual tasks and designates responsible parties, either EU or MS institutions, as well as timeframes for completion. A large emphasis is placed on the evaluation of policies and their outcomes, as demonstrated by a complimentary document, prepared jointly by the Commission, EMCDDA and Europol, on the implementation of the Action Plan (European Commission, 2001). The document strengthens the Commission's role in the evaluation of the EU Action Plan through five key aims:

- 1) proposing a progress evaluation tool;*
- 2) outlining evaluation methods;*
- 3) outlining strategies in applicant countries;*
- 4) reinforcing information exchange;*
- 5) examining ways of improving coordination.*

In the field of supply-reduction the emphasis is on the creation of joint methods for presenting information, including the development of a standardized method of recording drug seizures (p.17); MS with Europol developing crime and policy indicators (p. 19), and; the Commission taking a lead in establishing common definitions and penalties for drug trafficking (p.39). These actions are further evidence of the consolidation of shared norms and 'ways of doing things' at the European level and they further establish a common European approach to drug policy that is focused on information and evidence.

The implementation of the Action Plan was comprehensively assessed, in accordance with its indicators, by both a mid-term evaluation (European Commission, 2002) and in a final evaluation (European Commission, 2004). Both evaluation documents emphasise the achievements, at the EU level and the national level, in the more traditional aspects of action on supply reduction such as control and regulation of precursor chemicals for the manufacture of illicit drugs, the mutual recognition of

new synthetic substances and improved cooperation in drug-related money laundering. The evaluations make it clear that joint operations in law enforcement or judicial action takes place largely on an informal level, or through Memoranda of Understanding, at the national level (European Commission, 2002, pp13) and further, institutionalised joint action between law enforcement agencies is encouraged, including greater use of instruments such as the European Arrest Warrant, *“Mechanisms for co-operation which do exist must be made to work in practice”* (ibid, pp14). Such sentiments are echoed in the final evaluation which again stresses the need for more and better utilisation of existing formal instruments to facilitate law enforcement cooperation and the Commission stresses the political importance of better reporting of successful operations, *“Further developing joint operations between law enforcement agencies of the Member States should be discussed. The establishment and results of these operations should be reported to the Council and the Commission”* (European Commission, 2004, p9). The adaptational pressure from the EU for MS to engage more in operational matters is being successfully contested by domestic actor coalitions, in this case law enforcement agencies. As a strategy to gain a greater domestic impact, the Commission recognises the importance of information through promoting successful cooperation and in encouraging a stronger commitment to European action as being of ‘added-value’ to domestic actors, which in turn will ease the process of transferring European norms to the domestic level.

The creation of stronger policy networks amongst law enforcement personnel was falling behind progress made in other areas and had been an area of concern since the Tampere Council in 1999. One reason for this was that Europol remained an institution separate from the day to day working of most police officers and there was still little trust placed in it by higher ranking officers and politicians. One solution from the EU was the creation of The European Police College (CEPOL), established after recommendations in the conclusions of the Tampere Council and a European Agency from 2005. This training institute provided an institution for the exchange of experience and techniques amongst European law enforcement officers and encourage cooperation through facilitated communication.

One of the most important results of the evaluation of the 2000-2004 Action Plan was the way in which it directly influenced the drafting of a new, long-term European strategy. This consisted of a Drug Strategy for 2005-2012 which would be

divided into two Action Plans, the first covering the years 2005-2008 and the second 2009-2012. Again both Action Plans were drawn up by the Commission with support from the EMCDDA and Europol (European Commission, 2005: p3) and each of which would take part in the evaluation process. The basic structure of the 2005 Action Plan followed previous documents, dividing actions into five sections: Coordination; Demand Reduction; Supply Reduction; International Cooperation, and; Information, Research and Analysis. As can be seen in Annex A, these documents provided very detailed tasks, indicators and also the responsible parties for each action are clearly labelled.

Of the 14 specific explicit supply reduction actions in the 2005-2008 Action Plan, 12 have either the Commission or a European agency (EMCDDA, Europol, Eurojust or CEPOL) as a responsible party⁹. The only actions in which MS are the sole responsible parties are those which involve action with third countries (Actions 28.1 & 28.2), these being explicitly second pillar, or Common Foreign and Security Policy areas, and entirely intergovernmental in governance. The Commission's increased role in shaping policy decisions is also demonstrated by the number of studies, pilot schemes and reports it is either commissioning or authoring (Actions 18, 20, 21, 22, 23 & 25.2). These cover sensitive issues such as exploring the possibility of establishing a fund for confiscated assets to finance joint operations, which demonstrates a goal on the part of the EU to be financially independent in this area. One of the most effective methods of control and persuasion MS have over EU agencies is their resourcing and budgetary oversight. This is still an issue of great contention and developing alternative funding sources is one strategy the EU has attempted.

The EU action plans of this period point to an increased involvement of the European Commission in the formation of a formal and distinctive European drug policy. They establish clear policy goals, linked to precise actions, that emphasise the value of coordinating national action with community action. They also seek to create a better body of information and evidence through which indicators for policy evaluation at the domestic and European level can be established. It is still evident, in this period, that there is a difference in specificity of actions, in the field of supply

⁹ See Annex A for the supply reduction sections of the previous two EU Drug Action Plans.

reduction, when compared to demand reduction and also the evaluations point to more modest success in the former. The action plans indicate that MS use of European instruments to facilitate law enforcement cooperation was still a cause for concern and that most operations took place in an informal or *ad hoc* manner.

MS trust in organizations such as Europol was still low and Europol was far from taking any form of operational role. This was further demonstrated by the creation, in 2006, of the Maritime Analysis Operations Centre – Narcotics (MAOC-N) in Lisbon, Portugal. MAOC-N is an intergovernmental taskforce aimed at coordinating the naval and law enforcement forces of member countries in the apprehension of drug traffickers in the Atlantic and it operates on a multilateral institutional basis outside of formal EU institutional arrangements. The original participating states were Portugal, Spain, the UK, France, Ireland, Netherlands, and Italy and the Centre circumnavigated the control structures and frameworks of Europol. Despite this the Commission was outwardly supportive of the Centre,

*“While full-heartedly supporting the setting up of MAOC-N, we should not lose sight of the need for overall coherence of maritime law enforcement developments and notably coherence of MAOC-N with Europol activities. In the medium term, synergies and close cooperation of regional law enforcement initiatives with Europol are essential.”*¹⁰

MS were equally reluctant to make regular use of EU judicial instruments such as Eurojust. Eurojust is an EU agency, established in 2002, as a centre for judicial and legal cooperation in the EU. Between 2004 and 2008 the number of Drug Trafficking cases recorded by Eurojust grew from 77 to 198 (European Commission, 2009, pp49). Whilst this doubling of cases opened is undoubtedly a positive sign, to put these figures in context in 2004 the England & Wales alone sentenced 1020 offenders for drug importation or export (Mwenda, 2005, pp6). The distribution of cases amongst the MS is also uneven, with Italy, France, the Netherlands and Germany making 81, 72, 71 and 65 requests respectively, compared with the UK,

¹⁰ Taken from a speech made by the Director General for the European Commission for Justice & Home Affairs recovered from http://www.mj.gov.pt/sections/documentos-e-publicacoes/doc-e-pub-2/speech-director-general/downloadFile/file/Speech-Director_General_of_the_European_Commissions_Justice_Freedmom_and_Security.pdf?nocache=1191325110.51

Belgium and Spain (who together make some of the largest seizures in the EU), made 42, 19 and 18 requests respectively (European Commission, 2009, pp52). The reluctance of MS to engage in operational cooperation at the level anticipated by the EU shows that, in this aspect at least, Europeanization processes have stalled. Contestation at the domestic level, by actor coalitions, has resulted in an underutilisation of European instruments which, in turn, has prevented those institutions from gaining trust and legitimacy.

In terms of legal instruments developed by the EU, in the period 2004-2008, perhaps the most important was the Council Framework Decision 2004/757/JHA of 25 October 2004, laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking. As mentioned previously, hard law in the area of supply reduction was rare and, where it existed, it usually coincided with other, well established, areas of community competence such as customs or trade control in which the EU had the power of initiative. Previous attempts at legal harmonisation across the EU had also faced domestic opposition and the remaining legal framework was that established by the UN conventions.

Existing political, cultural and legal traditions in the MS had allowed subtly different interpretations of the UN conventions to create a varied legal landscape across the Union. This Council Framework Decision was something of a concession to those seeking better legal coordination at the European level which would facilitate the operation of Eurojust and other European legal instruments. The first section of the Decision which outlines 'the constituent elements' of various offences, merely incorporates the wording of the UN Convention of 1988 into EU law (Article 2). The section on specific criminal penalties (Article 3) requires MS to punish traffickers with 'a maximum sentence of at least between 1 and 3 years' and serious traffickers with 'a maximum sentence of at least between 5 or 10 years'. The decision does not, however, closely define 'seriousness' merely making reference to large quantities of drugs and their respective harms but leaving it to MS to better define these as appropriate to their existing criminal law. MS are also given the freedom to reduce these penalties according to a number of mitigating factors listed in Article 5, all of which contribute to an increased flexibility in interpretation for MS and a lowering of the harmonisation effect.

When the Commission came to assess the implementation of the Framework Decision, the authors of the report emphasized the lack of progress made by MS and also highlighted the issue that there are regularly discrepancies between legislation (in this context maximum sentences) and institutional practice (European Commission, 2009a, pp4). The conclusions to the report are explicit and frank in their assessment of the impact of this Framework Decision on domestic provisions, *“There has been little progress in the alignment of national measures in the fight against drug trafficking”* (p.10).

Hard law and formal instruments of operational cooperation at the EU level have so far had little impact on domestic drug policies. MS retain enough decision-making power and flexibility in practice to put their own domestic preferences ahead of EU policies and the EU has not had the power to make its actions in this area binding. The EU has failed to dismantle existing domestic policies and institutions and, as a result, these compete on an operational level in the area of law enforcement. Appropriate action at the domestic level is still dictated by domestic policy as this is the source of resources, both in terms of financial resources and, specific and fundamental to law enforcement, knowledge and intelligence. The EU had a greater degree of success in the area of facilitated communication and the institutionalisation of policy networks. Although Europol’s actions on the operational level have been weak, its establishment as a source of intelligence and information in the period grew and the EU goal of increasing its information base also grew.

4.4 – 2008-present: Beyond the comprehensive approach

The most recent period has been marked by sustained MS distrust in the European institutions created to facilitate cooperation and coordination of supply reduction policy and activities at the operational level. Europol’s original function, as forum for MS law enforcement to share intelligence and operational information, remains underused, largely due to MS wishing to retain control over this type of information, as reported to the European Commission (European Commission, 2009b, p16):

56. There are however a number of issues to overcome before all MS are prepared to share operational intelligence with Europol, such as reservations due to security concerns, ownership, primacy and the understandable reluctance to share live-time operational intelligence.

Divergent MS preferences have also resulted in the day to day running of Europol being compromised in terms of efficiency and effectiveness. Since its founding Europol had concentrated its limited resources on what it viewed as 'high value' crimes, which in terms of drugs had consisted of trafficking in cocaine, heroin and synthetic drugs, but due to the insistence of a number of MS this has recently been expanded. In 2010, it was discussed at the highest level to introduce cannabis to Europol's competencies but within this expansion there emerged two distinct camps, Spain and France heading one, who believed that trafficking in cannabis resin (hashish) should take precedent and another group, with the UK and Netherlands prominent, who argued that the increased cultivation of herbal cannabis should be a priority. In the event two 'Analysis Work Files' (the standard analytical component of Europol's work) on cannabis were opened¹¹ meaning that scarce Europol resources are now divided. This incident demonstrates the conflict of national preferences that such organizations must deal with on a regular basis.

Europol has also seen the nature of its role change since its inception as the Europol Drug Unit. From 1st January 2010 Europol has operated as an independent EU Agency, although empirical analysis of the institutional frameworks has shown Europol to be one of the least independent of the 29 EU agencies (Wonka & Rittberger, 2010), it is recognised that the indicators used in this study alone are not a sufficient measure of independence of action. Agencification does allow a degree of autonomy in terms of resources and staffing, as well as in the drafting of strategic documents and this change represents a further severing of the ties between Europol and the MS. Zito (2009) argues that EU agencies are particularly useful laboratories for policy learning and movement would also confirm the argument of Majone who states that agencification, specifically the move to agencies producing information rather than hard regulation, has proven successful in impacting on MS activities in particular areas (Majone, 1997). Further to this, the operational and investigative aspects of Europol have been reduced with the emphasis being more firmly placed on Europol as a focal point and disseminator of criminal information and intelligence to other MS law enforcement agencies.

11 Europol's new interest in Cannabis was reported in the EMCDDA Annual Report for 2010 (EMCDDA, 2010a, pp36), however the author was informed of the MS preferences by a European official present at the meetings.

Europol's role as an information producer rather than an information user has been an important change in the recent years, in response to sustained MS constraints on operational duties. Europol's work is now not published in the form of a yearly activity report, accounting for actions *ex post*, but rather providing an annual 'risk assessment' of the situation in Europe, monitoring emerging criminal trends and responses (Europol, 2009). This changes the focus of the agency from a responsive one to a pro-active and agenda setting one which also provides Europol with greater independence from the MS by giving it legitimacy as a source of criminal intelligence. Europol has also been increasingly collaborative with other agencies including the EMCDDA, publishing joint reports and taking part in a numbers of expert meetings, including a joint publication series with the EMCDDA on European perspectives on the global drugs trade (EMCDDA/Europol, 2009; EMCDDA/Europol, 2010). These efforts have more successfully integrated the world of law enforcement with the scientific community where the methods and experience of both can be exchanged and, whilst academics and researchers gain deeper insights into this field of the drug phenomenon, law enforcement agencies increasingly see the importance of scientific research and data.

The 2009-2012 Drugs Action Plan has emphasized this movement towards information gathering by including the task,

To develop key-indicators for the collection of policy-relevant data on drug-related crime, illegal cultivation, drug markets and supply reduction interventions and to develop a strategy to collect them.

(European Commission, 2009, p18)

There is a concerted effort on the part of the EU, to increase the information on drugs made regularly available to the public and policy makers, and for this to include not only data on health and social responses, already covered by the EMCDDA, but to add reliable and comparable data on crime and the responses to crime. In 2010 the first conference to discuss the issues in the gathering of scientifically rigorous data on drug supply and supply-reduction, was held in Brussels. Between the 20th-22nd October, the EMCDDA organised, 'The First European Conference on Drug Supply Indicators.' The conference was attended by a mixture of academics and police officers from throughout Europe. The conclusions of the conference pointed to the

need for better coordination between law enforcement agencies and academics in the gathering and analysis of data but also stressed the difficulties of such data gathering and the extremely early stage of the state of the art (EMCDDA, 2010b).

EU involvement in drug supply appears to have undergone a radical change, since the early days of the late 1980s, in which there were high hopes of close cooperation between MS. The nature of this cooperation was to have included the harmonisation of legislation and practices, a European police force with investigative and operational powers and a comprehensive and functioning criminal justice system, working in parallel to national systems. Such objectives have never sustained consensus amongst the MS and as such EU instruments have been rarely used in an operational manner.

In seeking to retain the initiative, the Commission has moved from a regulatory framework to one based on removing the legitimacy of MS to control the information and therefore frame the policy debate in their own terms. This now appears the route that the Commission as well as the independent European agencies will be taking in the near future. Europeanization and the domestic impact of the EU in the field of drugs should not be assessed on MS participation in joint operations, in legal harmonisation efforts nor in other forms of practical cooperation. EU instruments in these areas have proven themselves weak and non-binding and a great deal of variation persists throughout the EU. Domestic change can be seen in the importance national institutions place in information, how this is produced, disseminated and used in policy (and political) goals.

The next section of this paper will demonstrate how, through this period, the UK's policy preferences have placed drug information and intelligence at the forefront of its supply reduction policy and in doing so have incorporated European norms into its domestic institutions.

5 – UK Drug Policy and the introduction of New Policing Paradigms

The UK is faced with three significant challenges in combating international drug trafficking, (1) it is one of the largest consumers of drugs in Europe, providing a large market place for those who wish to import drugs; (2) it is a major transport and trade hub with strong links to producer and transit countries, providing criminals with the means and opportunity to import drugs, however; (3) historically the UK public has been unsupportive of deeper integration with the EU, and support from the public and politicians for moving operation control of law enforcement to Europol has been particularly weak. The focus of UK drug policy has consistently been to balance these forces, on the one hand to reduce international organised crime and its impact on the UK, an activity that inevitably entails the close cooperation of British law enforcement officers with international agencies, whilst, on the other hand, maintaining national control over law enforcement operations and the sovereignty of British territory and officers.

The following chapter will show how, within the framework of the EU, the UK has attempted to face the challenge of drug importation and cross-border crime whilst retaining national control over law enforcement, firstly by remaining outside the institutional framework of Schengen, and other formal joint operational frameworks, whilst simultaneously encouraging international cooperation through the sharing of information and the collaboration of law enforcement officers, then secondly by associating its own policy of ‘Intelligence Led Policing’ with an EU preference for ‘evidence-based’ policy making. This first strategy represents a rejection of European norms and a more one sided ‘uploading’ of national preference whereas the latter strategy demonstrates a more balanced approach whereby national preferences are moved upward to accommodate and complement existing EU paradigms.

The popular perception of the UK, both internally and externally, has been as a ‘reluctant partner’ in EU affairs. This has largely been due to the stance taken by successive British governments, both Conservative and Labour, that has publicly set the UK apart from deeper EU integration whilst political elites have privately acknowledged the importance of European partners and transnational policy networks. This is exemplified by the various opt-outs (and opt-ins) that UK

governments have succeeded in obtaining in different policy areas, including the Schengen accords, Economic and Monetary Union and the Charter of Fundamental Rights and Police and Judicial Cooperation. These actions, it is argued, have led to a 'two-speed Europe', whereby MS are allowed to pick and choose their level of integration dependant on national preferences, so called 'free-riding', nonetheless, in doing so they lose influence in the policy making process as such actions are perceived badly by other partners. This viewpoint has recently been challenged in a number of papers which show that, in the case of JHA (Adler-Nissen, 2009) and the Euro (Naurin & Lindhal, 2010), rather than suffering from a loss of influence due to its position on the periphery, the UK has maintained an influence in these areas either through actively promoting its own policy preferences as a source of 'best practice' or by its mere presence and in the relevant committees and networks. This chapter will add to this work, arguing that not only did the UK help keep Europol from developing into an operational transnational police force but that the UK's model of Intelligence-led policing became the principle paradigm for the functioning of the European Police Office. Further to this, the creation of the UK's Serious Organised Crime Agency (SOCA) has demonstrated a further shift whereby the UK's drug policy in supply reduction has moved further towards the European goal of 'evidence based' policy making.

5.1 - pre-1992: Origins of UK policy - bringing intelligence to the fore

Before 1995 there was no single UK policy document that outlined national strategy and aims in the fight against drugs. Despite this, the issue was high on the political agenda, particularly in response to the Schengen Accord and the creation of the Single European Market, the predicted effects of which it was feared would have a dramatic result on the supply of drugs entering the UK. In 1989 the House of Commons Home Affairs Committee produced a report on Drug Trafficking and Related Serious Crime (Home Affairs Committee, 1989). In the drafting of this report the cross-party committee interviewed and accepted evidence from a wide range of policy makers and policy practitioners, including a Home Office Minister, Law Enforcement officers and the head of the UK Drugs Intelligence Unit. The conclusions of the Committee were that there existed six essential requirements for countering the current and projected threat from drug trafficking:

- i) No legalization of drugs which are illegal at present;
- ii) Active involvement in international efforts against drug misuse;
- iii) New and reinforced legislation to trace, seize and confiscate the assets of drug traffickers;
- iv) Greater co-ordination and integration of the drug law enforcement effort;
- v) An effective intelligence system to support law enforcement;
- vi) A coherent and balanced strategy for tackling drug misuse.

(Home Affairs Committee, 1989; p.xli)

As mentioned in the previous chapter, at the time of this report, EU activity in the drugs field was largely limited to a number of informal expert and practitioner groups, such as the PG and TREVI, set up to increase the level of communication and cooperation amongst national law enforcement agencies and which acted as a forum for high level law enforcement officers to compare best practice, rather than to collaborate in any operational sense. The UK was particularly concerned by the possible threats to its security that open internal borders in Europe posed, and was an active supporter and participant in these groups, although the UK's involvement went well beyond this informal setting. UK law enforcement agencies were amongst the first in Europe to systematically post agents, Drug Liaison Officers (DLO), in drug producer and transit countries including, importantly, other European countries (Spain and the Netherlands being the first). DLOs were seen by law enforcement agencies as vital tools in reducing drug supply. In his evidence to the House of Commons Home Affairs Committee, for their 1989 report on drug trafficking, Barry Price, the National Drugs Coordinator, described the importance of the role of DLOs as follows: *"...I am saying categorically that [DLOs] are of immense value and that we must find ways of increasing their presence, particularly throughout Europe"* (Home Affairs Committee, 1989; 133).

This support was corroborated by the Home Office Minister, Douglas Hogg MP, in his own evidence to the committee. The Minister also elaborated on the Conservative government's plans to increase the practice, raising the number of DLOs by five in the following year (Home Affairs Committee, 1989; 151). The Minister's evidence provides an insight into how the government of the time viewed not only the UK's 'style' of policing but the view that this style should be

implemented throughout Europe to help combat drug trafficking, and that failure to do so was having serious consequences for police cooperation in Europe. The UK, at this time, was champion of a more formal and structured level of police cooperation – the European Drugs Intelligence Unit – which would be based on its own drugs Intelligence Model, the Minister admitted, *“this is an area where [the UK] are very much in the lead. Until other countries have intelligence units which are comparable in terms of functioning, it would be difficult to establish a European [police force]...”* (ibid).

The main characteristics of the UK approach to policing at this time included:

- i. The emphasis on intelligence as a tool of pro-active policing;
- ii. The identification of stakeholders (providers and receivers) of intelligence;
- iii. The centralisation of intelligence gathering and dissemination;

This approach was an early development in the move towards 'Intelligence-led Policing'. The results, nevertheless, were disappointing in terms of the reaction of other European partners, who the UK government felt weren't moving with the same sense of urgency in these matters.

One particular criticism was that in Europe, as in the UK, much of the domestic investigations and operations against drug trafficking were collaborations between different national agencies, typically police and customs. The culture in many European countries was one of mistrust and competition between agencies, rather than cooperation and resource sharing. This led to intelligence being hoarded within single agencies instead of being disseminated between them. The UK's solution to this was to set up a single national unit, the National Drugs Intelligence Unit, for the collection and dissemination of intelligence, which would also be the contact point for national agencies to feed into a European intelligence system. This single national reporting unit was advocated as the model of choice for other European countries who would ultimately report to a single European unit, the European Drugs Intelligence Unit, however, the UK delegation was disappointed with the speed and effectiveness with which this was implemented in Europe and complained of lingering mistrust that hindered national and international operational information

exchange.

One of the advantages envisaged for the UK's advocacy for the increased sharing of information and intelligence in international police matters was that, paradoxically, this would give UK agencies a greater degree of independence in operational matters and enable the UK to keep a higher level of sovereignty over matters such as border controls. Many of the issues that faced continental European police forces, for example the issue of the continuation of cross border operations and 'hot chases' that were of great concern to France, Germany, Belgium and the Netherlands, were either not geographically relevant or were not politically possible, given the UK's situation with such a high degree of public euroscepticism.

Police cooperation in Europe was the subject of a report by the same select committee in the following year. It was argued that, due to both the large increase in visits to the UK from Europe and the impending legislative changes in 1992, a report on the current state of police cooperation between the UK and European states was prescient. This report again emphasised the risks that were believed to result from the free movement of persons within the Community, as well as the added importance of increased police cooperation in order to combat these risks, and affirms the general political view in the UK that a restrictive approach, through the maintenance of border checks, was not incompatible with greater European integration, "*it would be absurd if we were to throw away the natural advantage we have as an island.*" (David Waddington MP, Home Secretary, quoted in Home Affairs Committee, 1990: p.xi).

The UK's decision to maintain opt-outs of the 1985 Schengen agreement, whilst at the same time forging ahead with deeper integration in the Single Market, had profound implications on the future of British border policing, particularly in the area of drug trafficking. It was argued at the time of the Schengen negotiations, and indeed often since then, that the UK's position as an island has led to the development of a strong border control system that is incompatible with European norms that have tended to focus on weaker border checks and strong internal checks, through mechanisms such as ID cards (Belchak, 1994: p94; House of Lords as quoted in Weiner, 1999). As Weiner (1999: p447) demonstrates though, such

arguments are not backed by empirical evidence which suggests that, '*Britain's position is not so typical in its reliance on border controls, that is not a typical British tradition only*' (ibid). Weiner argues that Britain's opt-outs result, not solely from Eurosceptic discourse, but from the clash between entrenched domestic norms (regarding citizenship and sovereignty) with emerging supranational norms (European integration as a 'good thing' and output-orientated policy legitimacy). The collision of these forces has led to the increased social acceptability of flexible integration, a break from the hard regulation that facilitated the market creating and economic era of integration.

Mentioned only briefly by Weiner is the dual nature of the Schengen agreement - on the one hand, border controls were to be softened, but to compensate for the possible security implications of this a new system of intelligence gathering, the Schengen Information System (SIS), would be created to help effectively police the area. The sharing of information and intelligence between European law enforcement officers was seen by the UK not just as the lesser of two evils but in line with the policy preferences and dominant police thinking of the times. With regards to the first action, British border controls remained in place, albeit with cursory passport checks for EU citizens, whilst involvement in the second action, the information exchange and policing cooperation, gathered pace and formed along with the idea of a European Drugs Intelligence Unit. This view of the political establishment and law enforcement personnel, was expressed succinctly by the Home Affairs Committee:

The work undertaken by the Schengen partners...does not have any direct bearing on policing in the United Kingdom. However, we shall be interested in the various EC fora to find out more about the arrangements envisaged in Schengen, such as the proposed information system.

(Home Affairs Committee, 1990; 10)

In effect much of the policy of this period can be summed up by this dualistic approach: on the one hand rejecting the formalised and institutional instruments such as Schengen which, it was argued, would damage British interests, and on the other hand, to actively engage and promote British best practice, in particular the informal groups and forums attended by leading law enforcement officers and also the British system of intelligence gathering and overseas liaison officers. It was recognised by

both political and police actor coalitions that action at the European level was inevitable, given the changes that were occurring in Europe regarding the Single Market and the opening of borders, these actors were active in the PG, TREVI and CELAD.

At this stage, the norms and institutions of the EU in the field of drug policy were not compatible with the policy preferences of the UK, however, the UK took a constructive approach and engaged with European partners in areas where they felt their interests lay, namely the exchange of information and intelligence. Europeanization processes were in their very early stages and this resistance from the UK and other MS is evidence of national preferences and norms being consolidated at the European level. Attempts at institutionalisation, in the form of Europol was not complete at this time because its aims and function were still contested, but the consensus for European action existed and MS, with the UK in the forefront, were driving closer cooperation. Here though, the nature of this cooperation was still undecided.

5.2 - 1992-2000: The First UK Policies

The limits and nature of cooperation in the field of illicit drugs, in the period around the implementation of the TEU, were explained by the Home Secretary, Kenneth Clark, in his evidence to the Home Affairs Committee, in 1993, who, at this time, was examining the changes that would be introduced after the treaty came into force, “...we are not contemplating other police forces being able to have, say, powers of a constable here...We cooperate with other police forces but that means they come here and work through the British Police.” (Home Affairs Committee, 1993: p21). Rather than allowing a supranational police force to develop from Europol, with police powers across the EU, the British policy was to promote and encourage Europol as an important intelligence gathering organization. There was, nonetheless, still a great deal of political and public mistrust of Europol and it was argued that Europol may suffer from a degree of 'organizational slip', where the original aims and powers of the organization are expanded upon. The Home Secretary sought to calm such fears to the Committee and to outline the situation around the negotiating table: “*The British are not in favour of [a European Police Force] and...the clear majority of*

Member-states were against that and there are quite enough Member-states where Governments and public opinion would be vehemently opposed to any such idea of a multinational police force...it is not remotely what we are talking about and recent discussions on Europol...have been solely on the area of intelligence gathering.” (ibid: p23).

Despite the fears to the contrary the British government were committed to a policy which avoided direct operational cooperation and which veered away from the harmonisation of national laws to favour a deeper commitment to the sharing of intelligence. The British were not alone in this thinking and a number of other MS also resisted the idea of foreign police in their territory. The UK was still committed to the idea, in principle, of increased European cooperation but only in terms of intelligence. Looking back at the terms of the Europol convention (see previous chapter), and the remit given to the police office, it is apparent that these preferences were fundamental in the creation of an organization that was limited to an intelligence role. Although these preferences were not solely of the UK, it is important to note that their preferences were amongst those that won through.

Prime Minister John Major continued this approach of active engagement and policy promotion at the Corfu European Council, in 1994, in which he advocated a stronger commitment to Europol from Member-states and stressed the importance of the organization in the fight against international drug smuggling (Council of the European Union, 1994). This action was, however, typical of the Conservative approach to European at this time, an approach which Brown Pappamikail (1998) characterises as being like 'Jekyll & Hyde'. On the one hand they admitted in private and to European partners that one of the most effective ways to achieve UK policy goals was through greater European integration and by giving greater power to the European Commission, but this was never argued forcefully in public, and instead compromise was always sought that kept EU policies in line with UK preferences and maintained the primacy of decision-making with the UK government.

The commitment to international cooperation in illicit drug control continued to be a priority of UK government policy through the period of the first UK drugs policies (1995-2000). In 1992 the National Criminal Intelligence Service (NCIS) was created

as a horizontal service to collect and disseminate intelligence between the largely independent British police force. Regional police forces would feed the NCIS with intelligence which could then be analysed at the national level. This intelligence was then fed back to regional police forces and the National Crime Squad (NCS). Its relationship with the UK various police forces is made clear in the 1995 UK Drug Strategy,

NCIS does not conduct its own drugs operations. Individual police services, regional crime squads and Customs carry out the operational role in detection and prevention. The objective of NCIS is to assist police and Customs by providing them with intelligence to help them target major criminals.

(UK Government, 1995: p8)

Such a system operated on the principle of 'economies of scale' that informed much of the thinking in law enforcement at the time, both within the UK and in Europe as a whole, whereby scarce resources, such as intelligence, could be more effectively managed centrally rather than being dispersed at the local level. This system offered a much more strategic approach to policing as well as circumventing regional and inter-agency competition. It was this model that was suggested for Europol, with its role being designated as a fixed central point to receive intelligence, staffed by seconded national experts, who would then report, through the national focal points, to operational units within the country.

The UK's first comprehensive drug strategy, *Tackling Drugs Together – UK Drug Strategy 1995-1998* (UK Government, 1994), is striking because of its modern focus on creating a horizontal and comprehensive strategy, both on a geographical level, establishing the clear links between local level crime and transnational organised crime, as well as affirming the links between the various policy fields including health, education and policing. It is very much a 'multi-level' approach whereby regional operational units are guided by various supporting networks on the national and international level. Whilst the document does not contain specific targets or actions, maintaining a vague language throughout, it is an attempt to create a coordinated response to the drug issue. European cooperation initiatives, and both formal and informal networks, are completely absent from the document and whilst the document does acknowledge the importance of the international sources of drugs

entering the UK and in the importance of cooperation in fighting this, the strategy develops community based responses to these problems.

The other striking feature of the policy is the central role that coordination and information play in this. At this time, the number of government departments directly involved in the drugs policy stood at 14 and, in order to better coordinate action, a sub-committee was created which was to be attended at the Ministerial or Parliamentary Under-secretary level (UK Government, 1994, 12). The UK already had a scientific advisory committee, the Advisory Council on the Misuse of Drugs, established under the 1971 Misuse of Drugs Act, and these would present the coordination committee with the relevant scientific data and reports as required. At this time the EU was already beginning to move in the direction of comprehensive and horizontal coordination and advocating that MS increase the scientific research in policy making in the field of drugs. The UK was already an active participant in the EMCDDA, its NFP had been providing data since the creation of the agency, and the UK was praised for its significant body of research at this point (EMCDDA, 1997: p66). UK policy making relied heavily on information and evidence to provide legitimacy in the creation of policies. The generation of information was also fundamental to the assessment of policies instituted by the New Public Management style of public administration that dominated UK public services in the mid-1990s (Butterfield, Edwards and Woodall, 2005). These policy norms, therefore, already existed in the UK before their incorporation in the make-up of the EU. The UK advocated heavily for this approach because it matched well their own institutional logic and adaptation would be minimal.

The publication of the second UK drug strategy, 1998's 'Tackling Drugs to Build a Better Britain' coincided with the UK's presidency of the European Union and was again an opportunity for the UK to lead the debate in the field of drug policy. One of the primary focuses of the UK's presidency was the fight against organised crime and the UK government was particularly active in promoting continued international cooperation to fight drug trafficking. The achievements of the presidency seem modest but two of the most important, in terms of the future of European drug policy, were the agreement and ratification of the Europol budget and the planning work towards the next EU Drug Strategy and Action Plans (2000-2005) which included a

report on EU activity in the drug field (Home Office, 1998).

Financial control and administrative control over Europol was essential to British interests at this time because through the distribution of resources and MS presence on the Management Board the power to set the work agenda lay with domestic policy makers. This avoided any spillover into activities that encroached on MS competence. This emphasis on institutional resourcing was also seen in the UK's 1998 Drug Strategy which continued a NPM agenda of linking policy outcomes with resources and expanding the number of stakeholders in any policy field to provide a wider strategic view (UK Government, 1998).

The UK's commitment to international cooperation through this period was as strong as in previous years, but the emphasis remained on the sharing of intelligence rather than being tied to operational roles. In addition to traditional political reserve and the desire to maintain national sovereignty the popular New Policy Management agenda put a greater demand on public institutions to provide information and data in order to evaluate their performance and justify their resources. It was still felt that joint operations in the EU offered bad value for money when compared to intelligence gathering. The UK envisaged a European system similar to their own, with a central body to collect intelligence from local agencies, making the best use of a limited resource. The vast amount of national data collected by the UK in this period also meant that the UK was one of the most prolific contributors to the EMCDDA. This had the double effect of making the UK appear 'a good partner', by fulfilling its obligations so completely, as well as putting itself in a prime position as a leader in the research field and therefore able to frame the debate in its own terms.

5.3 - 2000-2008: SOCA and the institutionalisation of information

The information annually collected and sent to the EMCDDA by the UK NFP was produced according to a format and standards agreed upon by the MS. This system represents a period of consultation and consensus on what is useful, comparable and reliable in terms of drug data. The drug indicators were discussed regularly at expert group meetings, with representatives of all MS, and changes and adaptations made when needed but, in general, the system of data gathering was institutionalised at the

domestic level, at least in terms of health and social data. In these consultations and debates the UK are at a significant advantage due to their strong reputation in the field of drug research. In terms of supply reduction data, the systems for producing and collecting data existed outside of the EMCDDA's institutional format. Data on drug offences, arrests, seizures and purity were collected regularly, but the procedures for their collection were the product of law enforcement needs rather than Europeanised mechanisms and were not designed to be either directly comparable with other European countries or reliable in the scientific sense of the word.

Intelligence-led policing had been the approach of UK law enforcement since the mid-1990s and it is a system which places information and intelligence at the forefront of a proactive policing agenda. The information that such a system generates is extremely useful for law enforcement agents, for example indicating the location of national and international criminal networks or spotting trends in drug trafficking routes or techniques. This data is produced as an operational source, designed to be used in on-going operations and is, therefore, not suitable for either academic research or, in many cases, even for policy making. One of the problems that the UK faced at the turn of the century was that if the government's approach to public administration dictated that information and data was needed to justify the allocation of resources then the information produced on law enforcement responses, and in this case drug trafficking and supply reduction, needed to be reliable and 'fit for public consumption.'

In 2002, despite being only four years into the ten year drug strategy, the Labour government issued an updated drug strategy. This new strategy provided the UK government with an opportunity to promote the progress made in achieving the goals of the previous strategy. One of the most noticeable aspects of this policy is its greater reliance on research and statistics used to illustrate the size of the drug problem and previous policy successes (and failures). The drug situation in the UK is mapped in detail (UK Government, 2002: p15) with survey results for prevalence and frequency of drug use as well as other drug indicators. This reliance on research and data is further emphasised by Annex 2 which is an overview of the improvements to the evidence base between the years 1998-2002. This section is comprehensive in its coverage of data sources and, whilst sections on health, social

reintegration and youth substance abuse are relatively large, the section on supply reduction data indicates a big increase in knowledge since 1998. The wide variety of cited sources also demonstrates the government's willingness to include academic research and data in supply reduction analysis whereas traditionally this had been the preserve of law enforcement (ibid: p76).

In addition to restating the general UK policy goals, this strategy also reemphasises the actions in international cooperation and the UK's engagement with EU policies. The strategy promotes both the bilateral and EU instituted cooperation focusing on supply routes from the Caribbean and Afghanistan and also details the work the UK does with EU candidate and third countries in the field of capacity building (ibid: pp29-30). This policy is a continuation of previous UK governments who sought to present UK cooperation as integral, but separate, to EU action and is in keeping with the general EU norms of the period. EU action was seen to compliment national and bilateral action and the UK remained a pace-setter in the extent of its involvement abroad, albeit outside of EU frameworks, and by 2002 had a network of 60 DLO across the globe.

After coming into being in 1998, the National Crime Squad and NCIS were important in this period in coordinating intelligence work across the UK, between the different regional police forces. This model proved so successful that the policy approach was formally adopted into the EU framework in 2004. The Hague European Council formally institutionalised the concept of Intelligence-led Policing as the model for policing in Europe (House of Lords, 2008: p105). From this point onwards information and intelligence would be a fundamental part of policing across the EU as well as within Europol and the UK would use their presidency of the EU, in 2005, to further reinforce this shift. In the UK, Intelligence-led policing had been formalised through the National Intelligence Model (NIM) which set out the principles of the approach. The primary goal was to create a police force that proactively generated, analysed and shared intelligence to better fight crime (John and Maguire, 2004). The UK presidency of the EU introduced a similar plan to be used Europe-wide. The European Criminal Intelligence Model (ECIM) was an attempt by the UK government, with support of the rest of the Council, to change the way law enforcement agencies worked and how they processed and dealt with

intelligence.

A fundamental part of the UK's formalisation of the NIM was a new agency which was to take the place of the NCIS. The Serious Organised Crime Agency (SOCA) was designed as a new concept in British policing, as a proactive intelligence gathering agency. It fulfilled many of the old functions of NCIS, acting as a focal point and liaison for regional forces, and it was also the designated UK contact point with Europol and Interpol. However, it recruited its personnel not only from officers in the field of intelligence but also from active operational police and customs officers. The legal situation was complex but SOCA officers could be designated as constables under British law and some had the power of arrest. SOCA's original functions, as outlined in the Act creating it, were:

- *preventing and detecting serious organized crime;*
- *contributing to the reduction of serious organized crime in other ways and to the mitigation of its consequences; (SOCAP Act 2005, s. 2(1)); and*
- *(in relation to all crime, not just serious organized crime) gathering, storing, analyzing and disseminating information relevant to the prevention, detection, investigation or prosecution of offences or the reduction of crime in other ways or the mitigation of its consequences (SOCAP Act 2005, s. 3(1)).*

(Harfield, 2006: p748)

This meant that SOCA's main functions were largely intelligence based and seen as part of a larger strategy to concentrate on disrupting middle and high level drug markets (UK Government, 2002).

SOCA was promoted, in its inception, as an innovation in British policing, a movement towards a more modern approach to law enforcement, '*SOCA will work in a fundamentally different way to its predecessors ... SOCA will be a genuinely intelligence-led organization. Real knowledge and understanding of the problems must be its first responsibility. That in turn will drive decisions about which activities to target and the best means of attacking them*' (Caroline Flint MP, quoted in Harfield, 2006). Some scholars have argued this move towards proactive intelligence gathering was a way to further a government agenda that seeks to increase resources for law enforcement by increasing public fear of organised crime (see Ashworth 2002: pp96–108). Whilst there may be some evidence for this, these

moves towards an intelligence and information led policing agenda have a long history and represent a consistent approach and policy preference in the UK.

Whether or not the creation of SOCA was a pivotal innovation in UK law enforcement, or the continuation of a long established policy approach, it represented to the UK's European partners further progress in the field and, as such, had an important role in EU drug policy. The EU was committed to making progress in drug policy and encouraged innovation from its MS. It was beneficial for the UK government to advocate its own 'innovations' at the EU level, as this reduced adaptational costs and there is evidence that it was successful in doing just this. The benefits of the adoption of the ECIM were described as thus:

- *Improving common knowledge of serious and organised crime through more effective collection, exchange, and analysis, of information;*
- *Increasing the effectiveness of Europol and other EU bodies;*
- *Achieving better operational results in the highest priority areas;*
- *Achieving greater accountability to Ministers in delivering action against Council priorities;*
- *Allowing all Member States and relevant EU institutions to observe a common methodology for tackling serious and organised crime in the EU.*

(UK Government, 2005)

The first and last points are the most important in relation to the Europeanization processes previously discussed. The ECIM makes the generation of information, knowledge and intelligence the focus of European policing. The UK government envisaged that their policy approach could help create *common methodology* in tackling organised crime. The ECIM would, therefore, be evidence of common norms and 'ways of doing things' being consolidated *and* institutionalised at the European level, whilst maintaining flexibility of national action and for MS to adapt the approach to their own domestic context.

A move to a more proactive generation of knowledge was also the fate of Europol. In 2006 the principle public output of Europol, the presentation of its work for public consumption, changed. Its signature product went from being a retrospective annual report of the work done in the previous year to the Organised Crime Threat

Assessment (OCTA) (Harfield, 2006). What OCTA does is to outline the coming threats and trends in organised crime, as well as detailing control strategies for Europol and MS as recommendations. This proactive approach is much more in line with the UK's modernist, Intelligence-led approach to policing and the UK's own Threat Assessment Reports were highly influential in the creation of Europol's own OCTA. The Director of Europol, Max-Peter Ratzel, praises the UK's contribution to the development of the first OCTA, "*...the Council took a decision at the Hague Council in November 2004 to introduce intelligence-led law enforcement as a concept in Europe and at the same time they asked Europol to draft the first Organised Crime Threat Assessment...we were very much supported by the British Presidency.*" (House of Lords, 2008: p105). The importance of the OCTA was that not only did it legitimise a British policy approach, that had been institutionalised in the creation of SOCA, but, as reported later by Mr Ratzel, it encouraged other MS to follow suit. By 2008 around half the MS had an intelligence-led control strategy for combatting organised crime and drug trafficking, as advocated by Europol (ibid: p110).

5.4 - 2008-present: Law enforcement and harm reduction

The period up to 2008 was marked by EU policing policies moving closer towards the UK model, and the UK policy preferences in drug supply reduction policy becoming prominent. In the last few years, however, this relationship has altered slightly, the EU has regained some initiative, and, much as it did in the early period of EU drug policy, is seeking to frame the policy debate in its own terms.

As the previous section demonstrated, law enforcement agencies had evolved from being responsive actors to being proactive, both in their control activities and also in their generation of information and knowledge. This period also saw increased interaction between law enforcement actors and researchers and academics from other fields which helped facilitate a transfer of techniques and approaches. There remained, nevertheless, issues in the data collection for agencies like the EMCDDA who still found law enforcement and criminal justice data difficult to compare and unreliable (EMCDDA, 2009b). Despite the increase in volume, much of the domestic data was still being produced according to a law enforcement agenda, i.e. to

support national law enforcement responses, or else the data was subject to large discrepancies due to changes in operational priorities. In this instance the EU again attempted to gain some oversight over the data and information being produced. As mentioned in the previous chapter, the EU Action Plan talks about the development of shared indicators on supply reduction issues which would constrain the data production of national law enforcement data and keep them in line with agreed standards. Just as Europol incorporated EU policy into domestic logic, in terms of policing methods, the EMCDDA would have a role in doing the same for law enforcement data.

In the UK, SOCA was also being criticised at this time for not producing tangible results that justified the high level of resources being spent on it. One argument was that public and political dissatisfaction was due to much of SOCA's work being in partnership with other national and international agencies and therefore it was difficult to demonstrate the distinct value of its contributions (Mackenzie and Hamilton-Smith, 2011: 22). Another argument is that as an organization whose main currency was intelligence and information it is difficult to quantify these for any assessment exercise. Mackenzie and Hamilton-Smith also argue that there was a fundamental flaw in the brief that SOCA was given by the UK government to reduce the harm caused by organised crime, because such a role is both unquantifiable and contested by other social institutions (ibid: p24).

SOCA's role as an agency of harm reduction is a particularly controversial one because traditionally harm reduction has been conceptualised as a public health issue, and specifically one which minimises harms caused by law enforcement control and suppression (Elvins, 2008). In a controversial move, UK law enforcement activities became increasingly described in terms of the harms they prevented, the community and to society in general. Around the time of SOCA's creation, Home Office Minister Baroness Scotland, described the agency as, "*a step change away from a classic investigation organization of investigation and prosecution toward employing the most effective and proportionate means dedicated to reducing the harm done by organised crime.*" (Hansard (Lords), 5 April 2005). SOCA's own conceptualisation of harms is particularly interesting as it approaches the issue in a comprehensive manner, both in geographical terms, from the local to

the international level, and in terms of the type of harms (SOCA, 2009: Appendix I). Harm reduction is an essential part of the European approach to drugs and had been an important part of the public health component of drug policies since the arrival of drugs on the EU's agenda (European Commission, 2005, EMCDDA, 2010a). Its movement into the logic of domestic institutions, even in a case quite out of its usual context, would suggest that Europeanization processes have been at least partially successful in the case of the UK. The UK has witnessed the success of the EU's approach and the legitimacy that it now maintains in the field of drugs. It is beneficial to the UK's own policy aims to share this legitimacy, especially in the field of supply reduction where the data produced is not as trusted as in other policy areas. It is difficult to know what the future holds for UK drug policy, especially in the current climate of increasing economic crisis and growing mistrust in the EU and its mechanisms. The public appetite for deeper EU involvement has never been particularly high and has reduced significantly since the start of the global downturn. EU mechanisms in other policy areas have shown themselves to be weaker than previously thought and there are many drug policy analysts who predict that hard economic times could see dramatic increases in drug problems.

Since the Coalition government came to power drugs have been a relatively low policy priority. A new drug strategy has been published (UK Government, 2010) which emphasises the UK's commitment to working with international partners to fight drugs at all levels of the market, however this is the first drug strategy to be produced since 1998 without an associated action plan and concrete tasks. Although not mentioned in the strategy, the UK law enforcement establishment has also been shaken up and SOCA is to be replaced by the National Crime Agency. These reforms have yet to take shape and so it is difficult to predict what effect they will have on UK supply reduction policy or the relationship between the UK and the EU in this area, but, as the preceding section has demonstrated, the UK has maintained a consistent policy of engagement at a distance and it is likely this will persist.

6. Conclusions

UN conventions provide a basic framework of prohibition for the international control of illicit drugs, but despite this equal legislative base, drug policies throughout the EU vary, and will continue to vary due to a variety of domestic conditions and contexts. These range from different levels of drug use and preferences, for different drug types, to variations in legal tradition and practice. Despite this, the EU has been directly involved in the policy area for almost 20 years and in that time has developed a distinct approach to drug policy. Given these conditions, this paper sought to better understand the significance of European integration in drug policy, and to see the impact of EU policies at the domestic level.

The UK is an excellent case through which to better understand the mechanisms of Europeanization in drug policy. In the period since the entry of drug policy in to the EU arena, the UK has been actively involved in promoting its own policy preferences and also in absorbing EU norms into its domestic institutions. There is a wealth of textual evidence to demonstrate that, despite public resistance to European integration. Political elites and law enforcement actors have both resorted to EU institutions to better achieve their own policy goals.

National cooperation in drugs at the European level has existed long before formal EU competence in the area. Intergovernmental groups such as the PG, TREVI and CELAD brought together policy actors at the political, administrative and technical level and provided a forum for socialisation and policy learning. These informal groups paved the way for later, more formal, EU led policy networks but their presence at such an early stage in the policy lifespan demonstrates a strong MS desire to engage at the European level.

The first hypothesis of this paper was that MS arrived at a consensus that the threat of international drug trafficking meant that EU level solutions provided ‘added value’. This seems to be supported by the evidence presented. The defining moment in this policy area was the period between the Schengen Accord and the TEU, when open borders and the free movement of people and goods raised the threat of an increase in organised crime and drug trafficking. Many countries had already undertaken bilateral action and the UK’s decision to post DLOs in transit and

producer countries, well before these changes took place, demonstrates MS were looking beyond domestic solutions to these policy problems.

The initial consensus amongst MS was that the best way to compliment domestic actions would be through the facilitated exchange of information and intelligence. The previous experience of policy actors, at all levels, in the informal intergovernmental groups had prepared them for greater engagement with European partners. There were limits to the nature of the cooperation. In the case of the UK this manifested itself in the promotion of a formalised European agency for the exchange of intelligence, what would become Europol, yet it remained outside of the formal provisions of the Schengen Accord and maintained its border checks.

Despite decision-making in the drug policy area remaining intergovernmental in nature, this period saw the concept of information and intelligence gather, at the European level, became institutionalised norms. The EMCDDA helped to create a series of drug indicators by which the drug situation in Europe could be better understood. This development was beneficial for the UK because it was a close fit to its existing domestic institutional norms, which provides ideal conditions for the transfer of policy (Börzel & Risse, 2000). The UK was a world leader in drug research, at this time, and this allowed its influence in the area of information gathering to grow.

These existing domestic institutional norms played an important role in the development of Europol. Political will to create an operational European police force was weak across the MS and there was also resistance from law enforcement actors. The solution to this was the emphasis on Europol as a central body for the collection and dissemination of intelligence and data. Once again, this policy development was a good fit to existing conditions in the UK, whose own system of law enforcement intelligence gathering was in the process of being centralised. Both the European and the UK models operated on the same principle of 'economies of scale', whereby greater strategic value could be gained from a scarce resource, in this case intelligence, if it was disseminated through a central body.

As stated at the beginning of this paper, the creation of the EMCDDA and Europol as information gathering agencies helped to shape EU policies in the area of supply reduction. Both agencies have developed, to different degrees, as legitimate sources

of information on supply reduction. This legitimacy has empowered the EU to frame both policy problems and policy responses with their own evidence. Although MS are ultimately responsible for providing both agencies with data, the systems and shared standards are the result of community agreement which discourages MS from deviant behaviour and encourages compliance.

In addition to the agencies it has helped create, the largest impact of the EU has been through its Drug strategies and action plans. These documents set out the goals of drug policies in the EU. Over time these goals, in the sphere of supply reduction, have become more specific yet more modest in reach. Initial attempts at legal harmonisation were met with resistance from the MS and tools for greater cooperation in law enforcement, through Europol, and criminal justice, through Eurojust, were underutilised. The policy intentions, in these cases, were far removed from the policy outcomes, largely due to the high degree of adaptation required by the MS. Legal systems, particularly related to criminal justice, are strong and often based on well-established historical, social and cultural traditions. Even in cases where legal frameworks are relatively similar, such as in drug offences, often legal practice varies greatly (EMCDDA, 2009b).

The continued differentiation of domestic policies is expected to continue, not just due to the legal traditions but also because, vitally, the drug situation varies greatly. In these circumstances it is unsurprising that common policy responses are difficult for MS to agree on. Domestic logics are informed by local contexts and institutional traditions, whilst EU logics seek common solutions. In these circumstances the EU has attempted to impact on domestic policy at a higher policy level. Rather than seeking a change in policy settings it seeks to encourage a common European approach, or paradigm (Hall, 1993). The EU has consistently promoted evidence-based policy making and emphasised the importance on both gathering reliable data, and using this data in the policy evaluation process.

Since the development of the New Public Management approach the UK has based its policy process on similar principles to the EU. It has sought to greatly increase the information it produces as a means of supporting certain policy responses or justifying resource allocation. In the drug supply area, SOCA is one example of an agency almost entirely dedicated to the production of information. The UK was

instrumental in promoting this approach in the EU, in the field of law enforcement, and the move to Intelligence-led policing, as a concept in European law enforcement, can be largely credited to the initiative of the UK.

In terms of Europeanization processes, the impact of the EU on domestic institutions, in the field of supply reduction, has been limited. The intergovernmental nature of the area has provided MS with many opportunities to veto EU initiatives. Contested integration has been especially strong in areas which involve the sharing of operational resources and the functioning of criminal justice. The EU has been far more successful in promoting communication and in creating policy networks, that have been instrumental in the formation of shared approaches to policy-making. The EMCDDA is now one of the most well respected institutions in the field and it produces some of the most reliable drug data available. It is particularly important in supplying comparable European level data which allows the drug phenomenon to be seen in its wider context and so strengthens the perceived value of European action.

Whilst the body of information on public health and social responses has been strengthened by the long and close involvement of academic researchers from across Europe, who have helped develop rigorous standards of data collection, information on supply reduction is still some way behind. The EMCDDA has made strong moves, in recent years, to actively engage law enforcement agencies in the activities of the agency and the EU has made it a priority to develop better supply reduction indicators.

The UK remains enthusiastic about cooperation in supply reduction but outside of formal EU institutions. There has been a large amount of bilateral activity and agreements that the UK has taken part in, but it retains full sovereignty over its actions. The impact of the EU in supply reduction in the UK can most clearly be seen in the adoption of harm reduction as a guiding principle of UK law enforcement responses. The basic idea that resources should be focused on preventing the greatest harm has long existed as principle in public health but this approach has been appropriated, not without complaint from actors in other fields, by agencies such as SOCA.

This paper has gone some way to create a better understanding of the processes of European integration in the field of drug policy. Drug policy presents very specific

challenges to policy analysts, not least the multidisciplinary nature of the area. It is, however, an area with a great deal of opportunity, particularly in political science, and it is surprising that so little has been written about it. The conclusions of this study point to a number of potentially rewarding research agendas for the future, not least the expansion of the Europeanization analysis across a comparative sample of countries. Keeping with the main findings of this study, one of the most interesting aspects for future research would be to develop a better understanding of the dynamics of the policy networks that exist on the national and European level. There is a fundamental role played by the NFP in the policy process, not just in the collection of data and information, but in the generation of common European standards and the development of a shared policy space.

Annex A – Supply reduction in the EU Drug Action Plans

I. EU Drugs Action Plan (2005-2008)

Strategy aim 27.1 <i>Strengthening EU law enforcement co-operation on both strategic levels and crime prevention levels, in order to enhance operational activities in the field of drugs and the diversion of precursors</i>				
Aim	Action Proposed	Timetable	Responsible Party	Assessment tool/Indicator
18. Reduce the production and supply of synthetic drugs	Develop a long-term solution for the use of forensic profiling of synthetic drugs for law enforcement purposes building on previous experiences	2008	MS COM Europol	COM Report
19. Target money laundering in relation to drug crime	Implement joint operational projects	Ongoing	MS Europol Eurojust	Number of projects initiated or completed Drug related criminal cash flows detected and disrupted
20. Utilise confiscated assets to finance drug projects	Explore the possibility of developing a fund to be used for joint operational projects to be financed from the confiscation of assets earned through drug production and trafficking	2007	COM	Study on best practice in the establishment of such a fund
21. Explore possible links between drug trafficking and financing of terrorism	Conduct research into possible links between drug trafficking and financing of terrorism	2007	COM MS	Research completed
22. Step up work on prevention of drug related crime	Assess extent of drug related crime in the EU	2006	MS EMCDDA	Compilation of the existing studies to be presented by the EMCDDA to the COM by 2008 Availability or perceived availability of drugs at street level, price, purity and potency (EMCDDA)
23. Examine drug related crime prevention practices in third countries	Conduct a study on drug related crime prevention practices in third countries	2008	COM	Study completed
24. Increase training for law enforcement agencies	CEPOL to include in its annual work programmes more training courses for law enforcement agencies specifically relating to combating drug production and trafficking	2006	CEPOL	Additional relevant training included in the CEPOL Annual Work Programme from 2007
Strategy aim 27.2 – 27.3 <i>Intensifying effective law enforcement cooperation between Member States using existing instruments and frameworks</i> <i>Prevention and punishment of the illicit import and export of narcotic drugs and psychotropic substances</i>				
25. Step up and develop law enforcement cooperation between Member States and, where appropriate, with third countries, Europol and/or Eurojust against international organized drug production and trafficking	1. Implement joint operational projects, such as joint investigation teams, joint customs operations and a European transport police cooperation network	Ongoing	MS Europol Eurojust	Number of joint operational projects initiated or completed Quantity of precursors and drugs seized Number of criminal groups disrupted Number of illicit laboratories dismantled
	2. Europol to compile and disseminate an assessment of the threat to the EU arising from drug production and supply	Bi-annual	MS Europol	Assessment report
26. Combat serious criminal activity in the field of precursor chemical diversion by stepping up law enforcement cooperation between Member States and, as appropriate, with third countries, Europol and/or Eurojust	Implement joint operational projects such as the European Joint Unit on Precursors	Ongoing	MS Europol Eurojust	Number of joint operational projects initiated or completed Quantity of precursors and drugs seized Number of criminal groups disrupted
27. Prevent the diversion of precursors, in particular synthetic drug precursors imported into the EU	1. Implement the EU precursor legislation, in particular the cooperation between MS in relation to controls of imports of synthetic drug precursors and strengthening customs controls at the external border of the EU	Ongoing	MS COM	Number of risk controls established
	2. Support international operations of the UN INCB (International Narcotics Control Board), in particular Project Prism	Ongoing	MS COM	Number of operations initiated or completed
Strategy aim 27.5				

<i>Intensifying law enforcement efforts directed at non EU countries, especially producer countries and regions along trafficking routes</i>				
28. Establish and expand networks of Member State liaison officers in producer countries and countries along trafficking routes	1. Each network to meet to improve operational cooperation and coordination of MS action in third countries	Twice a year	MS	Number of meetings held
	2. Implement operations with law enforcement agencies of third countries	Ongoing	MS	Number of operations initiated and completed

II. EU Drugs Action Plan (2008-2012)

III Supply Reduction				
Main priority: a measurable improvement in the effectiveness of law enforcement in the field of drugs at EU level. Europol, Eurojust and other EU structures to fully exercise the respective roles for which they were created, in the interest of efficiency, EU compatibility of national initiatives, intra-EU coordination, and economies of scale.				
Objective	Action	Timetable	Responsible Party	Indicator
11. Enhance effective law enforcement cooperation in the EU to counter drug production and trafficking	22. To target those criminal organizations posing the most serious threat by making full use of the intelligence-led concept of the European Criminal Intelligence Model (ECIM) and its component parts	Ongoing	MS Europol Eurojust Council	Nr. of criminal organizations targeted by MS
	23. To increase the number of multidisciplinary law enforcement operations, involving Europol where appropriate, as well as police, customs and border control services, through joint investigation teams (JIT) and joint customs operations (JCO)	Ongoing	MS Europol Eurojust	Increase in Nr. of drug related JITs/ JCOs Assessment report on results achieved
	24. To improve the quality of intelligence data provided by Europol National Units to Europol's Drugs Unit, with emphasis on the highest levels of organised crime	Ongoing	MS Europol	Consistency, relevance and quality of data and intelligence received
	25. To make full use of the COSPOL projects (heroin, cocaine, synthetic drugs) linked to Europol drug-related projects, including coordinated analysis through Analysis Work Files (AWF)	Ongoing	MS Council Europol	Increase in identifiable operational results
	26. The European Police College (CEPOL) to provide relevant advanced training for senior police and customs officers and for liaison officers in 3rd countries through national police training Colleges	Ongoing	CEPOL MS	Curriculum developed for drug law enforcement Additional relevant training included in CEPOL AWP Nr. of training courses Nr. of officers trained
	27. To make more systematic use of Member State liaison officers in third countries for the exchange of information and intelligence between MS law enforcement agencies and Europol, where appropriate	Ongoing	MS Europol	Increase in international operational law enforcement cooperation
12. Respond rapidly and effectively to emerging threats (e.g. emerging drugs, new routes)	28. To set up, where necessary, regional security platforms (e.g. MAOC-N, Baltic Sea TF) to counter emerging threats by means of coordinated operational responses. Such action to be compatible with existing legal and operational arrangements at EU level and based on specific threat assessments (see also action 42)	Ongoing	MS Council Europol	Timely operational response putting in place measures to pro-actively handle risk and minimise threats Increase Nr. of criminal operations disrupted (seizures, changing trafficking behaviour)
	29. The EU to focus on coordinated and joint efforts between the Member States most highly exposed to particular drug production / trafficking phenomena, in cooperation with Europol as appropriate	Ongoing	MS Europol Council	Operational and strategic outcomes of MS action taken
13. Reduce the manufacture and supply of synthetic drugs	30. Member States to actively maintain law enforcement cooperation/joint operations in this area and to share intelligence and best practices. Optimal use to be made of Europol's Project SYNERGY and the related COSPOL initiative	Ongoing	MS Europol Council	Increase in Nr. of joint projects initiated/ completed Increase in Nr. of dismantled production facilities reported to EILCS Nr. of SYNERGY reports generated
	31. To adopt and implement an EU-wide system	2012	COM	System in place and

	for the forensic profiling of synthetic drugs based on the experience gained through projects such as SYNERGY and CHAIN, the structure and expertise of Europol and the Commission's Joint Research Centre, and ongoing MS law enforcement activities and experience in this area		Europol MS	operational
14. Reduce the diversion and trafficking in the EU of chemical precursors used for the manufacturing of illicit drugs, in particular synthetic drug precursors	32. The EU to maintain a clear and unified position on this matter at international level and within the UN, based on existing legislation and cooperative practices with the private sector	Ongoing	COM Council MS	Effective coordination through the relevant Council committees Joint EU positions in international fora
	33. Customs services to integrate precursor controls at a strategic level, enhancing the effectiveness of border control management, and to coordinate more closely with other law enforcement agencies engaged in anti-drug operations (mutual support)	Ongoing	MS	Improvement in precursor control, detection, seizure and profiling situation compared with 2008
	34. The EU to give full support to international operational cooperation aimed at preventing the diversion of drug precursors, such as the INCB-led projects PRISM and COHESION	Ongoing	COM MS	Increase in Nr. of stopped and/or seized shipments
	35. To evaluate EU drug precursor control legislation and its implementation	2010	COM MS	Evaluation completed
	36. The EU to develop, where possible, cooperation agreements with principal identified source countries of main synthetic drug precursors	Ongoing	COM	Agreements established Reduction of illicit shipments of drug precursors from the countries concerned
15. Reduce the impact on society of organized crime active in drug production and trafficking	37. To facilitate the confiscation and recovery of the proceeds of drug-related crime across the EU by strengthening the policies on confiscation and asset recovery at EU and national level	2012	MS COM Council EP	COM Communication adopted Legal instruments proposed and adopted Assessments of assets seized
	38. To support the establishment of effective Asset Recovery Offices in the Member States through the creation of an informal platform. To support investigations through the Europol's Criminal Assets Bureau	Ongoing	COM MS Europol	Platform established and working effectively Increase in No. of supported investigations relating to asset tracing and identification Increase in Nr. and value of cash and assets confiscated

Bibliography

- Acevedo, B & Common, R (2006) 'Governance and the Management of Networks in the Public Sector', *Public Management Review*, 8(3): 395-414
- Aden, H (2001) 'Convergence of Policing Policies and Transnational Policing in Europe', *European Journal of Crime, Criminal Law and Criminal Justice* 2001, 9(2): 99-112
- Adshed, M (2002) 'Conceptualising Europeanization: Policy Networks and Cross-National Comparison' *Public Policy and Administration* 2002, 17(2): 25-42
- Adler-Nissen (2009) 'Behind the scenes of differentiated integration: circumventing national opt-outs in Justice and Home Affairs', *Journal of European Public Policy*, 16(1): 62-80
- Albrecht, H J (1996) 'Drug Couriers: The Responses of the German Criminal Justice System' in P Green, *Drug Couriers: A New Perspective*, Quartet, London
- Allen, R., Levenson, J. & Garside, R. (2003), *A bitter pill to swallow: The sentencing of foreign national drug couriers.*, Esmée Fairbairn Foundation, London
- Andrews, S A (2009) 'Regional Integration Through Contracting Networks: An Empirical Analysis of Institutional Collection Action Framework' *Urban Affairs Review*, 44: 379-402
- Ashworth, A. (2002), *Human Rights, Serious Crime and Criminal Procedure*, Sweet and Maxwell, London
- Aus, J P (2007) *EU Governance in an Area of Freedom, Security and Justice: Logics of Decision-making in the Justice and Home Affairs Council*, ARENA Working Paper, University of Oslo
- Babor, T., Caulkins, J., Edwards G., Fischer, B., Foxcroft., D., Humphreys., K., *et al.* (2010) 'Drug Policy and the Public Good: a summary of the book', *Addiction*, 105: 1137-1145
- Baccaro, L & Simoni, S (2008) 'Policy Concertation in Europe: Understanding Government Choice', *Comparative Political Studies*, 41(10): 1323-1348
- Baker, E (2010) 'Governing through crime: the case of the European Union', *European Journal of Criminology*, 7(3): 187-213
- Baker, E & Harding, C (2009) 'From past imperfect to future perfect? A longitudinal study of the Third Pillar' *European Law Review*, 34(1): 25-54
- Balzacq, T (2008) 'The Policy Tools of Securitization: Information Exchange, EU Foreign and Interior Policies', *Journal of Common Market Studies* 2008, 46(1):75-100
- Barbarett, R (2005) 'Country Profile – Spain', *The European Journal of Criminology*, 2(3): 341-368
- Belchak, H (1994) 'Developments in Immigration Law and Policy within the EU – a UK Perspective', *International Legal Practitioner*, 19: 94-96
- Bennett, C J (1991) 'What is Policy Convergence and What Causes It?' *British Journal of Political Science*, 21(2): 215-233

- Bergeron, H (2004) 'Europeanization of drug policies: from common principles to mutual agreement', extract from Steffen M & Lehto J (2004) *Europeanization of health policies: Issues, challenges, innovations*, Routledge, London
- Bewley-Taylor, D., Trace, M., Stevens., A., (2005), *Incarceration of Drug Offenders: Costs and Impacts*, The Beckley Foundation, London
- Boekhout van Solinge, T (1998) 'Drug Use and Drug Trafficking in Europe', *Tijdschrift voor Economische en Sociale Geografie* 1998, 89(1): 100-105
- Boekhout van Solinge, T (2002) *Drugs and Decision making in the European Union* CEDRO/Mets en Schilt, Amsterdam
- Bolleyer, N & Radaelli, C M (2009) 'Has Europeanization gone too far?' *Comparative European Politics*, 7(3): 384-395
- Börzel, T A (1999) 'Towards Convergence in Europe? Institutional Adaptation to Europeanization in Germany and Spain' *Journal of Common Market Studies*, 37(4): 573-596
- Börzel, T A (2002) 'Pace-Setting, Foot-Dragging, and Fence-Sitting: Member State Responses to Europeanization' *Journal of Common Market Studies*, 40(2): 193-214
- Börzel, T A (2003) *How The European Union Interacts with its Member States*, Institute for Advanced Studies, Vienna
- Börzel, T A (2005) 'Mind the gap! European integration between level and scope', *Journal of European Public Policy*, 12(2): 217-236
- Börzel, T A (2006) 'Participation Through Law Enforcement: The Case of The European Union', *Comparative Political Studies* 2006, 39(1):128-152
- Börzel T A & Risse, T (2000) 'When Europe Hits Home : Europeanization and Domestic Change', *European Online Papers* accessed from <http://citeseerx.ist.psu.edu/viewdoc/download?doi=10.1.1.32.7105&rep=rep1&type=pdf> on 11th November 2009
- Börzel, T A & Risse, T (2003) 'Conceptualising the Domestic Impact of Europe' in K. Featherstone and C. Radaelli (eds.) *The Politics of Europeanization*, OUP, Oxford
- Brombacher, D & Maihold, G (2009) *Cocaine Trafficking to Europe*, Stiftung Wissenschaft und Politik/German Institute for International and Security Affairs, Berlin
- Brown Pappamikail, P (1998) 'Britain Viewed from Europe', from D. Baker & D Seawright (eds.) (1998) *Britain For and Against Europe: British Politics and the Question of European Integration*, Oxford University Press, Oxford
- Browne, D., Mason, M. & Murphy, R. (2003) 'Drug Supply and Trafficking: An Overview', *The Howard Journal of Criminal Justice* 2003, 42(4): 324-334
- Buenos de Mesquita, B & Smith, A (2009) 'Political Survival and Endogenous Institutional Change' *Comparative Political Studies*, 42(2): 167-197

- Bunt, H. van de, Kunst, D., Siegal, D., (2003), *Ecstasy across the border: a study of ecstasy couriers and petty smugglers*, Erasmus University, Rotterdam
- Bunyan, T (1993) 'Trevi, Europol and the European State', from Bunyan, *Statewatching in the new Europe*, Statewatch, London
- Buller, J & Gamble, A (2002), 'Conceptualising Europeanization', *Public Policy and Administration*, 17(2): 4-24
- Bulmer, S (1994) 'Governance of the European Union: A New Institutional Approach', *Journal of Public Policy*, 13(4): 351-380
- Bulmer, S & Lequesne, C (eds.) (2005) *The Member States of the European Union*, OUP, Oxford
- Bulmer, S & Radaelli, C (2005) 'The Europeanization of National Policy' from Bulmer & Lequesne (eds) *The Member States of the European Union*, 2005, Oxford University Press: Oxford
- Busch, P & Jörgens, H (2005) 'The international sources of policy conversion: explaining the spread of environmental policy innovations', *Journal of European Public Policy*, 12(5): 860-884
- Butterfield, R., Edwards, C., Woodall, J. (2004) 'The New Public Management and the UK Police Service', *Public Management Review*, 6(3): 395-415
- Carter, D L & Carter, J G (2009) 'Intelligence-Led Policing: Conceptual and Functional Considerations for Public Policy', *Criminal Justice Policy Review*, 20(3): 310-325
- Caulkins, J., Burnett, H. & Leslie, E (2009) *How illegal drugs enter an island country : insight from interviews with incarcerated smugglers*, *Global Crime* 2009, 10(1-2):66-93
- Caulkins, J & Reuter, P (2009) 'Towards a harm reduction approach to enforcement', *Safer Communities* 2009, 8(1): 9-23
- Chatwin, C (2003a) *On The Possibility of Policy Harmonisation for some Illicit Drugs in Selected Member States of the European Union*, Ph.D Thesis, University of Sheffield
- Chatwin, C (2003) 'Drug Policy Developments within the European Union – The Destabilizing Effects of Dutch and Swedish Drug policies', *British Journal of Criminology*, 43: 567-582
- Chatwin, C (2004) 'The Effects of EU enlargement on European drug policy', *Drugs, education, prevention and policy* 2004, 11(6): 437-448
- Chatwin, C (2006) 'Multi-level governance: The way forward for European illicit drug policy', *The International Journal of Drug Policy* 2006, 18(4): 494-502
- Christenson, J G (2010) 'EU Legislation and National Regulation: Uncertain steps towards a European public policy', *Public Administration*, 88(1): 3-17
- Conant, L (2007) 'The Politics of Legal Integration', *Journal of Common Market Studies* 2007, 45(1): 45-66

Cope, S & Starie, P (1996) 'The Europeanization of Law and Order: Editorial Introduction', *International Journal of the Sociology of Law* 1996, 24: 347-352

Costa Storti, C. & de Grauwe, P., (2008), *Modelling the Cocaine and heroin Markets in the Era of Globalization and Drug Reduction Policies*, unpublished draft version

Council of Europe (1980a) *Resolution 80(2): Setting up a co-operation group to combat drug abuse and illicit trafficking in drugs (Pompidou Group)*, accessed from http://www.coe.int/t/dg3/pompidou/AboutUs/History/FoundingResolution1_en.asp on 1st November 2010

Council of Europe (1980b) *Resolution 80(15): Setting up a co-operation group to combat drug abuse and illicit trafficking in drugs (Pompidou Group)*, accessed from http://www.coe.int/t/dg3/pompidou/AboutUs/History/FoundingResolution2_en.asp on 1st November 2010

Council of the European Union (1990a) *Convention on Laundering, Search Seizure and Confiscation of the Proceeds of Crime*, Council of the European Union, Strasbourg

Council of the European Union (1990b) *Rome European Council: Reproduced from the Bulletin of the European Communities*, Council of the European Union, Brussels

Council of the European Union (1993) *Council Regulation (EEC) No 302/93 of 8 February 1993 on the establishment of a European Monitoring Centre for Drugs and Drug Addiction*, Council of the European Union, Brussels

Council of the European Union (1994) *Conclusions of the 1994 Corfu European Council*, European Council, Brussels

Council of the European Union (1995) *Convention based on Article K.3 of the Treaty on European Union, on the establishment of a European Police Office (Europol Convention)*, Council of the European Union, Brussels

Council of the European Union (1998) *Cardiff European Council 15 and 16 June 1998 – Presidency Conclusions*, European Council, Brussels

Council of the European Union (1999a) *Tampere European Council 15th and 16th October 1999 – Presidency Conclusions*, accessed from http://www.europarl.europa.eu/summits/tam_en.htm on 3rd March 2009.

Council of the European Union (1999b), *EU Drugs Strategy 2000-2004*, Council of the European Union, Strasbourg.

Council of the European Union (2004), *EU Drugs Strategy 2005-2012*, Council of the European Union, Strasbourg.

Council of the European Union (2008), *EU Drugs Action Plan 2009-2012*, Council of the European Union, Strasbourg

Council of the European Union (2009a) *Council Conclusions on the strengthening of the fight against drug trafficking in West Africa*, Council of the European Union, Brussels

Council of the European Union (2009b) *The Stockholm Programme – An open and secure Europe serving and protecting the citizens*, Council of the European Union, Brussels

De Maillard, J (2006) *The Europeanization of Justice and Home Affairs: Sectoral Community without a Polity*, Conference paper given to the 3rd Pan-European Conference on EU Politics, Istanbul, September 2006

DEA (2001), *Ecstasy: Rolling Across Europe*, U.S Department of Justice, Drug Enforcement Administration, Arlington, VA.

Decker, S.H., Chapman, M. T., (2008), *Drug Smugglers on Drug Smuggling: Lessons from the Inside*, Temple University Press, Philadelphia

Del Olmo, R. (1996), 'Discourses, Perceptions and Policies' from *Drug Couriers: A New Perspective*, Quartet, London

Den Boer, M (2001) 'The Fight Against Organised Crime In Europe: A Comparative Perspective', *European Journal on Criminal Policy and Research* 2001, 9: 259-272

Desroches, F (2007) 'Research on Upper Level Drug Trafficking: A Review', *Journal of Drug Issues* 2007, 37(4): 827-844

Dolowitz, D P & Marsh, D (2000) 'Learning From Abroad: The Role Of Policy Transfer in Contemporary Policy Making' *Governance*, 13(1): 5-24

Dorn, N. (1996), 'Drug Markets and Law Enforcement in Europe' from *Drug Couriers: A New Perspective*, Quartet, London

Dorn, N. (ed) (1999) *Regulating European Drug Problems: Administrative measures and civil law in the control of drug trafficking, nuisance and use*, Kluwer Law International, The Hague

Dorn, N., Bucke, T., Goulden, C., (2003) 'Traffick, Transit, and Transaction: A Conceptual Framework for Action Against Drug Supply', *The Howard Journal of Criminal Justice* 2005, 42(4): 348-365

Dorn, N., Levi, M. & King, L. (2005) *Literature review on upper level drug trafficking*, Home Office Online Report 22/05, <http://www.homeoffice.gov.uk/rds/pdfs05/rdsolr2205.pdf> accessed on 21 September 2009

Dorn, N., Lutz, O. & White, S. (1998) 'Drugs Importation and The Bifurcation of Risk: Capitalization, Cut Outs and Organised Crime', *The British Journal of Criminology* 1998, 38(4): 537-560

Drezner, D W (2005) 'Globalization, harmonization and competition: the different pathways to policy convergence', *Journal of European Public Policy*, 12(5): 841-859

Dwyer, R & Moore, D (2010) 'Understanding Illicit Drug markets in Australia', *British Journal of Criminology*, 50: 82-101

Edwards, A & Levi, M (2008) 'Researching the Organization of Serious Crimes', *Criminology and Criminal Justice*, 8: 363-388

Elvins, M (2003) *Anti-drugs policies of the European Union: Transnational decision making and the politics of expertise*, Palgrave Macmillan, Basingstoke

Elvins, M (2008) 'Identity Theft? Reframing the policing of organized drug crime in the UK as harm reduction', *Contemporary Drug Problems* 2008, 35(2/3): 241-264

EMCDDA (1997) *Annual Report on the Drug Situation in Europe*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon

EMCDDA (2001) *Study on the coordination in the field of drugs*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon

EMCDDA (2002), *Information systems based on law enforcement agencies and the criminal justice system*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon.

EMCDDA (2007), *Annual Report 2008: The state of the drugs problem in Europe*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon.

EMCDDA (2008a), *Annual Report 2008: The state of the drugs problem in Europe*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon.

EMCDDA (2008b), *Technical Data Sheet: Monitoring the supply of Cocaine to Europe*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon.

EMCDDA (2008c), *Technical Data Sheet: Monitoring the supply of Heroin to Europe*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon.

EMCDDA (2008d) *Towards a better understanding of drug-related public expenditure in Europe*, European Monitoring Centre For Drugs And Drug Addiction, Lisbon

EMCDDA (2009a) *Annual Report 2009: The state of the drugs problem in Europe*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon

EMCDDA (2009b) *Selected Issue on Sentencing*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon

EMCDDA (2009c) *Work Programme: 2010-2012*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon

EMCDDA (2010a) *2010 Annual Report on the State of the Drug Problem in Europe*, European Monitor Centre for Drugs and Drug Addiction, Lisbon

EMCDDA (2010b) *First European Conference on Drug Supply Indicators – Key Conclusions*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon

EMCDDA/Europol (2009) *Methamphetamine: a European Union Perspective in the Global Context*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon

EMCDDA/Europol (2010) *Cocaine: a European Union Perspective in the Global Context*, European Monitoring Centre for Drugs and Drug Addiction, Lisbon

Estievenart, G (1995) 'The European Community and the Global Drug Phenomenon', in Georges Estievenart (ed.) *Policies and Strategies to Combat Drugs in Europe*, Martinus Nijhoff Publishers, Dordrecht, The Netherlands

Europol (2007), *Project COLA – The European Union cocaine situation report 2007*, Europol, The Hague.

European Commission (1994) *Communication from the Commission to the Council and the European Parliament on the European Union Action Plan to Combat Drugs (1995-1999)*, Commission of the European Union, Brussels

European Commission (1999) *Communication from the Commission to the Council and the European Parliament on the European Union Action Plan to Combat Drugs (2000-2004)*, Commission of the European Union, Brussels

European Commission (2001a) *Communication from the Commission to the Council and the European Parliament on the implementation of the European Union Action Plan to Combat Drugs (2000-2004)*, Commission of the European Union, Brussels

European Commission (2001b) *European Governance: A White Paper*, Commission of the European Communities, Brussels

European Commission (2002) *Communication from the Commission to the Council and the European Parliament of 4 November 2002 on the mid-term evaluation of the EU Action Plan on Drugs (2000-2004)*, Commission of the European Union, Brussels

European Commission (2004) *Communication from the Commission to the Council and the European Parliament on the results of the final evaluation of the EU Action Plan on Drugs (2000-2004)*, Commission of the European Union, Brussels

European Commission (2005) *Communication from the Commission to the Council and the European Parliament on the European Union Action Plan to Combat Drugs (2005-2008)*, Commission of the European Union, Brussels

European Commission (2008) *Proceeds of Organised Crime: Ensuring that "crime does not pay"*, Commission of the European Communities, Brussels

European Commission (2009a) *Report from the Commission on the implementation of Framework Decision 2004/757/JHA laying down minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking*, The Commission of the European Communities, Brussels

European Commission (2009b) *Evaluation Report – Shared Parameters on Intelligence Sharing and Capacity Building on Drug Trafficking: West Africa*, Unpublished report from Commission Project JLS/2009/ISEC/028

European External Action Service (2002) *Framework and instruments of the European Union in the field of drugs*, European External Action Service, Brussels

Europol (2008), *European Organised Crime Threat Assessment*, Europol, The Hague

Europol (2009) *European Organised Crime Threat Assessment*, Europol, The Hague

- Exadaktylos, T & Radaelli, C M (2009) 'Research Design in European Studies : The Case of Europeanization', *Journal of Common Market Studies* 2009, 47(3): 507-530
- Exadaktylos, T & Radaelli, C M (2010) *Do We Need Distance to Get Close? Looking for Causality in Europeanization Studies*, Conference Paper delivered to PSA Conference March/April 2010
- Falkner, G (2000) 'Policy Networks in a Multi-level System: Convergence Towards Moderate Diversity?', *West European Politics*, 23(4): 94-120
- Favell, A (1998) 'The Europeanization of Immigration Policies', *European Integration Online Papers*, accessed from <http://eiop.or.at/eiop/texte/1998-010a.htm> on 17 November 2009
- Fijnaut, C (1992) 'Policing Western Europe: Interpol, Trevi and Europol', *Policing: An International Journal of Police Strategies & Management*, 15: 101-106
- Fijnaut, C & Paoli, L,(ed.) (2004), *Organised Crime in Europe: Concepts, Patterns and Control Policies in the European Union and Beyond*, Springer, Dordrecht, The Netherlands
- Fischer M (2010) 'Explaining decision-making structures in Swiss politics: A combination of SNA and QCA' *Conference Paper*, accessed from http://opensiuc.lib.siu.edu/pnconfs_2010/2 on 8th July 2010
- Flyvbjerg, B (2006) 'Five Misunderstandings about Case-Study Research' *Qualitative Enquiry*, 12(2): 219-245
- Fortson, R. (1996), 'The Sentencing of Drug Couriers' from *Drug Couriers: A New Perspective*, Quartet, London
- Gerring, J (1999) 'What Makes a Concept Good? A Critical Framework for Understanding Concept Formation in the Social Sciences', *Polity* 1999, 31(3): 357-393
- Goddard, J (1997) 'Methodological Issues in Researching Criminal Justice Policy: Belief Systems and the 'Causes of Crime'', *International Journal of the Sociology of Law* 1997, 25: 411-430
- Goetz, K H & Hix, S (eds) (2001) *Europeanised Politics? European Integration and National Political Systems*, Frank Cass, London
- Goetz, K H & Meyer-Sahling, J-H (2008) 'The Europeanization of national political systems: Parliaments and executives', *Living Rev. Euro. Gov.*, 3(2). [Online Article]: cited 15th July 2010, <http://www.livingreviews.org/lreg-2008-2>
- Goldberg, T (2005) ' Will Swedish and Dutch drug policy converge? The Role of Theory', *International Journal of Social Welfare*, 15: 44-54
- Gourevitch, P (1978) 'The Second Image Reversed: The International Sources of Domestic Politics', *International Organization*, 32(4): 881-912
- Green, P., Mills, C. & Read T. (1994) *The characteristics and sentencing of illegal drug importers*, *British Journal of Criminology* 1994 (34):4 479-486

- Green, P. (ed.) (1996a), *Drug Couriers: A New Perspective*, Quartet, London.
- Green, P. (1996b), 'Drug Couriers: The construction of a Public Enemy' from *Drug Couriers: A New Perspective*, Quartet, London.
- Greenwald, G (2009) *Drug Decriminalisation in Portugal – Lessons for Creating Fair and Successful Drug Policies*, Cato Institute, Washington D.C.
- Gruppo Abele (2003) *Synthetic Drug Trafficking in Three European Cities: Major Trends and the Involvement of Organised Crime*, Gruppo Abele, Turin
- Haas, E (1961) 'International Integration: The European and the Universal Process', *International Organization*, 15: 366-392
- Haas, P M (1992) 'Introduction: epistemic communities and international policy coordination', *International Organization*, 46(1): 1-35
- Hall, P. A., (1993) 'Policy Paradigms, Social Learning and the State: The Case of Economic Policymaking in Britain', *Comparative Politics*, 25(3): 275-296
- Harfield, C (2006) 'SOCA – A Paradigm Shift in British Policing', *British Journal of Criminology*, 46: 743-761
- Heichel, S, Pape, J & Sommerer, T (2005) 'Is there convergence in convergence research? An overview of empirical studies on policy convergence' *Journal of European Public Policy*, 12(5): 817-840
- Héretier, L et al. (2001) *Differential Europe – The European Union Impact on National Policymaking*, Rowman & Littlefield, Lanham, Maryland
- Hix, S & Goetz, K H (2000) 'Introduction: European Integration and national political systems' *West European Politics*, 23(4): 1-26
- Holzinger, K & Knill, C (2005) 'Causes and conditions of cross-national policy convergence' *Journal of European Public Policy*, 12(5): 775-796
- Home Affairs Committee (1989) *Seventh Report. Drug Trafficking and related serious crime* (Vol I), 1988/89 HC 370
- Home Affairs Committee (1990) *Seventh Report. Practical Police Cooperation in the European Community* (Vol I), 1989/90 HC 363
- Home Affairs Committee (1993) *Home Affairs Committee: Intergovernmental Cooperation in the Field of Justice & Home Affairs – Minutes of Evidence, Wednesday, 21 April 1993*, 1992/93 HC 625-i
- Hooghe, L & Marks, G (2003) *Unravelling the Central State, but How? Types of Multi-Level Governance*, Institute for Advanced Studies, Vienna
- Hooghe, L & Marks, G (2008) 'A Postfunctionalist Theory of European Integration: From Permissive Consensus to Constraining Dissensus' *British Journal of Political Science*, 35(1): 1-23

- House of Lords (2003) *Europol's Role in Fighting Crime*, HM Stationary Office, London
- House of Lords (2008) *Europol: Coordinating the Fight Against Serious Organised Crime*, HM Stationary Office, London
- Huling, T. (1994) *Women Drug Couriers: Sentence reform needed for prisoners of war*, Criminal Justice, 1994 (9): 15
- Huling, T. (1996), 'Prisoners of War: Women drug couriers in the United States' from *Drug Couriers: A New Perspective*, Quartet, London
- Hurrelmann, A & Debardeleben, J (2009) 'Democratic dilemmas in EU multilevel governance: untangling the Gordian knot', *European Political Science Review* 2009, 1(2):229-247
- INCB (2009) *Annual Report 2008*, International Narcotics Control Board, New York
- Jelsma, M., (2008), *The current state of drug policy debate. Trends in the last decade in the European Union and United Nations*, Trans National Institute, Amsterdam.
- John, T and Maguire, M (2004) *The National Intelligence Model: Key Lessons From Early Research*, Home Office Publications, London
- Knill, C (1998) 'The Impact of National Administrative Traditions', *Journal of Public Policy*, 18(1): 1-28
- Knill, C (2001) *The Europeanization of National Administrations – Patterns of Institutional Change and Persistence*, CUP, Cambridge
- Knill, C (2005) 'Introduction: Cross-national policy convergence: concepts, approaches and explanatory factors' *Journal of European Public Policy*, 12(5): 1-11
- Knill, C & Lenschow, A (2002) 'The National Impact European Union Regulatory Policy: Three Europeanization Mechanisms', *European Journal of Political Research*, 41: 255-280
- Knill, C & Lenschow, A (2005) 'Compliance, Competition and Communication: Different Approaches of European Governance and their Impact on National Institutions', *Journal of Common Market Studies*, 43(3): 583-606
- Knill, C., Tosun, J. & Bauer, M.W., (2009) 'Neglected Faces of Europeanization: The Differential Impact of the EU on the Dismantling and Expansion of Domestic Policies' *Public Administration*, 87(3): 519-537
- Ladrech, R (1994) 'Europeanization of Domestic Politics and Institutions: The Case of France', *Journal of Common Market Studies* 1994, 32(1): 69-88
- Lamping, W & Steffan, M (2005) *The European Union and Health Policy – Dynamics of Integration*, Abteilung Sozialpolitik und Public Polic, University of Hannover, Hannover
- Lavenex, S. & Wagner, W. (2007) 'Which European Public Order? Sources of Imbalance in the European Area of Freedom, Security and Justice', *European Security*, 16(3):225-243

- Lavenex, S. & Wallace H. (2005) 'Justice and Home Affairs: The Creation of a European Public Order' in Wallace, Wallace & Pollack (eds.) *Policy-Making in the European Union*, OUP, Oxford
- Lenschow, A, Liefferink, D & Veenman, S (2005) 'When the birds sing: A framework for analysing domestic factors behind policy convergence' *Journal of European Public Policy*, 12(5): 797-816
- Loader, I (2002) 'Policing, securitization and democratization in Europe', *Criminology and Criminal Justice* 2002, 2(2): 125-153
- Lowndes, V (1996) 'Varieties of New Institutionalism: A Critical Appraisal' *Public Administration*, 74: 181-197
- March, J.G. and Olsen, J.P. (1989) *Rediscovering Institutions: the Organizational Basis of Politics*, New York: Free Press
- Mackenzie, S., and Hamilton-Smith, N. (2011) 'Measuring Police Impact on Organised Crime: Performance Management and Harm Reduction', *Policing: An International Journal of Police Strategies & Management*, 34(1): 7-30
- MacCoun, R & Reuter, P (2002) 'The Varieties of Drug Control and the Dawn of the Twenty-First Century', *The Annals of the American Academy of Political and Social Science*, 582: 7-19
- Mair, P (2004) 'The Europeanization Dimension', *Journal of European Public Policy*, 11(2): 337-348
- Majone, G (1997) 'The New European Agencies: Regulating Through Information', *Journal of European Public Policy*, 4(2): 262-275
- Matrix Knowledge Group (2007), *The illicit drug trade in the United Kingdom (2nd Edition)*, Home Office Report, London
- Mitsilegas, V (2003) *Money Laundering counter-measures in the European Union: a new paradigm of security governance versus fundamental legal principles*, Kluwer Law, The Hague
- Monar, J (2001) 'The Dynamics of Justice and Home Affairs: Laboratories, Driving Factors and Costs', *Journal of Common Market Studies*, 39(4): 747-764
- Monar, J (2006) 'Cooperation in the Justice and home Affairs Domain: Characteristics, Constraints and Progress', *European Integration* 2006, 28(5): 495-509
- Monar, J (2007) 'Justice and Home Affairs', *Journal of Common Market Studies*, 45(1supp): 107-124
- Monar, J (2008) 'Justice and Home Affairs', *Journal of Common Market Studies*, 46(1supp): 109-126
- Monar, J (2009) 'Justice and Home Affairs', *Journal of Common Market Studies*, 47(1supp): 151-170

- Moravcsik, A (1993) 'Preferences and Power in the European Community: A Liberal Intergovernmentalist Approach', *Journal of Common Market Studies*, 31(4): 473-524
- Morselli, C & Petit, K (2007) 'Law-Enforcement Disruption of a Drug Importation Network', *Global Crime* 2007, 8(2): 109-130
- Mounier, G (2009) 'Europol: A New Player in the EU External Policy Field?' *Perspectives on European Politics and Society*, 10(4): 582-602
- Müller, W. C., Bovens, M., Christensen, J. G., Jenny, M., Yesilkagit, K., (2010) 'Legal Europeanization: Comparative Perspectives', *Public Administration*, 88(1): 75-87
- Mwenda, L., (2005) *Drug Offenders in England and Wales 2004*, Home Office Statistical Bulletin, London
- Naurin, D & Lindhal, R (2010) 'Out in the cold? Flexible integration and the political status of Euro opt-outs', *European Union Politics*, 11(4): 485-509
- Neal, A W (2009) 'The Securitization of Risk at the EU Border: The Origins of FRONTEX', *Journal of Common Market Studies*, 47(2): 333-356
- Nutt, D., King, L. A., Saulsbury, W., Blakemore, C. (2007). "Development of a rational scale to assess the harm of drugs of potential misuse". *The Lancet* 369 (9566): 1047–105
- Olsen, J P (2002) 'The Many Faces of Europeanization', *Journal of Common Market Studies* 2002, 40(5): 921-52
- Paoli, L & Fijnaut C (2006) 'Organised Crime and Its Control Policies', *European Journal of Crime, Criminal Law, and Criminal Justice* 2006, 14(3): 307-327
- Paoli, L & Reuter, P (2008) 'Drug Trafficking and Ethnic Minorities in Western Europe', *European Journal of Criminology*, 5
- Pearson, G & Hobbs, D (2003) 'King Pin? A Case Study of a Middle Market Drug Broker', *The Howard Journal of Criminal Justice* 2003, 42(4): 335-347
- Peterson, N (1998) 'National Strategies in the Integration Dilemma: An Adaptation Approach', *Journal of Common Market Studies*, 36(1): 33-54
- Piçarra, N (2000) Portuguese Experience of European Cooperation in the Fields of Justice and Home Affairs in A de Vasconcelos, *Portugal: A European Story*, Principa, Lisbon
- Pierson, P (1995) 'The Path To European Integration: A Historical Institutional Analysis', *Comparative Political Studies*, 29: 123-163
- Pierson, P (2000) 'Increasing Returns, Path Dependence and the Study of Politics' *The American Political Science Review*, 94(2): 251-267
- Quaglia, L., Neuvonen, M., Miyakoshi, M. & Cini, M., (2007) 'Europeanization'. In M. Cini (Ed.) *European Union Politics*, OUP, Oxford

- Radaelli, C M (2000a) 'Policy Transfer in the European Union: Institutional Isomorphism as a Source of Legitimacy', *Governance: An International Journal of Policy and Administration* 2000, 13(1):25-43
- Radaelli, C M (2000b) 'Whither Europeanization? Concept stretching and substantive change', *European Integration online Papers (EIoP)* 2000, 4(8), accessed from <http://www.eiop.or.at/eiop/texte/2000-008.htm> on 28 September 2009
- Radaelli, C M (2008) 'Europeanization, Policy Learning, and New Modes of Governance', *Journal of Comparative Policy Analysis*, 10(3): 239-254
- Ragin, C. C. (1987) *The Comparative Method: Moving beyond Qualitative and Quantitative Strategies*, Berkeley, Los Angeles and London: University of California Press
- Ragin, C. C. (2007) 'Qualitative Comparative Analysis Using Fuzzy Sets (fsQCA)' from Rihoux & Ragin (eds.) *Configurational Comparative Analysis*, Sage Publications
- Reuter, P (2006) 'What Drug policies Cost. Estimating Government Drug Policy Expenditures', *Addiction*, 101: 315-322
- Reuter, P (2009) *The Unintended Consequences of Drug Policies*, RAND Europe, Cambridge, United Kingdom
- Reuter, P. & Trautmann, F (eds) (2009) *A Report on Global Illicit Drugs Markets 1998-2007*, RAND Europe, Cambridge, United Kingdom
- Rihoux, B (2006) 'Qualitative Comparative Analysis (QCA) and Related Systematic Comparative Methods: Recent Advances and Remaining Challenges for Social Science Research', *International Sociology*, 21(5): 679-706
- Sartori, G (1970) 'Concept Misformation in Comparative Politics', *The American Political Science Review* 1970, 64(4): 1033-1053
- Sartori, G (1991) 'Comparing and Miscomparing', *Journal of Theoretical Politics* 1991, 3: 243-257
- Saurugger, S & Radaelli, C M (2008) 'The Europeanization of Public Policies: Introduction', *Journal of Comparative Policy Analysis*, 10(3): 213-219
- Scheipers, S & Sicurelli, D (2007) 'Normative Power Europe: A Credible Utopia?' *Journal of Common Market Studies* 2007, 45(2): 435-457
- Schmitter, P C (2009) 'The Nature and Future of Comparative Politics', *European Political Science Review*, 1(1): 33-61
- Sentencing Advisory Panel (2009) *Sentencing for Drug Offences: Consultation paper*, The Sentencing Advisory Panel, London
- Sevigny, E. L., & Caulkins, J. P. (2006), 'Kingpins or Mules: An analysis of drug offenders incarcerated in federal and state prisons', *Criminology & Public Policy* 2003, 3(3)

- Silvis, J. & Williams, K. S., (1995) 'Managing the Drug Problem: Tolerance or Prohibition?' from, Fennel, Phil (ed) (1995), *Criminal Justice in Europe: A Comparative Study*, Clarendon Press, Oxford
- Smith, K., (2008), *Seizures of Drugs in England and Wales*, Home Office Statistical Bulletin, London
- Smith, K A (2009) 'The Justice and Home Affairs Policy Universe: Some Directions for Further Research' *Journal of European Integration*, 31(1): 1-7
- SOCA (2009) *Serious Organised Crime Agency, Annual Report 2009*, Serious Organised Crime Agency, London
- SOCA (2011) *Serious Organised Crime Agency, Annual Report and Accounts 2011*, Serious Organised Crime Agency, London
- Spreitzer, A & Yamasaki, S (2004) 'Beyond methodological tenets – The worlds of QCA and SNA and their benefit to Policy Analysis', *COMPASSS Research Group Working Paper*
- Sproat, P A (2007) 'An evaluation of the UK's anti-money laundering and asset recovery regime', *Journal of Crime, Law and Social Change* 2007, 47: 169-184
- Sukalac, K E (1997) *Cops and Cops and Robbers: Looking at the Third Pillar from a Liberal Intergovernmentalist Perspective*, Unpublished conference paper from ECSA International Conference, Seattle, USA, 29 May – 1 June 1997
- Thoumi, F. E., (2010) 'The International Drug Control Regime's Straight Jacket: Are There Any Policy Options?', *Trends in Organised Crime*, 13(1): 75-86
- Trimbos Institute (2004) *The Netherlands: Report on the Drug Situation 2004*, Trimbos Institute, Utrecht.
- Trimbos Institute (2006) *The Netherlands: Report on the Drug Situation 2006*, Trimbos Institute, Utrecht.
- Trimbos Institute (2008) *The Netherlands: Report on the Drug Situation 2008*, Trimbos Institute, Utrecht
- Turnbull, P & Sandholtz, W (2001) 'Policing and Immigration: The Creation of New Policy Spaces' from *The Institutionalisation of Europe*, OUP, Oxford
- UK Government (1994) *Tackling Drugs Together – UK Drug Strategy 1995-1998*, HM Stationary Office, London
- UK Government (1998) *Tackling Drugs To Build a Better Britain – The Government's Ten-year Strategy for Tackling Drug Misuse*, HM Stationary Office, London
- UK Government (2002) *Updated Drug Strategy 2002*, Home Office, London
- UK Government (2005) *UK Presidency of the EU*, HM Stationary Office, London
- UKDPC (2009) *Refocusing Drug Related Law Enforcement to Address Harms*, United Kingdom Drug Policy Commission, London

United Nations (2009), Draft Resolution E/CN.7/2009/L.7/Rev.1, United Nations Economic and Social Council, accessed from <http://daccess-ods.un.org/access.nsf/Get?OpenAgent&DS=E/CN.7/2009/L.7/Rev.1&Lang=E> on 23rd March 2009

UNODC (2004), *Drugs and Crime Trends in Europe and Beyond*, United Nations Office of Drugs and Crime, Vienna.

UNODC (2007a), *Cocaine Trafficking in West Africa: The threat to stability and development (with special reference to Guinea-Bissau)*, United Nations Office of Drugs and Crime, Vienna.

UNODC (2007b) *Sweden's Successful Drugs Policy: A Review Of The Evidence*, United Nations Office on Drugs and Crime, Vienna

UNODC (2008a), *World Drugs Report 2008*, United Nations Office of Drugs and Crime, Vienna.

UNODC (2008b), *Drug Trafficking as a Security Threat in West Africa*, United Nations Office of Drugs and Crime, Vienna.

UNODC (2009) *World Drugs Report 2009*, United Nations Office of Drugs and Crime, Vienna

Van Het Loo, M., Van Beusekom, I., & Kahan, J.P. (2002) 'Decriminalization of Drug Use in Portugal: The Development of a Policy', *The Annals of the American Academy of Political and Social Science*, 582: 49-63

Vink, M (2003) 'What is Europeanization? And Other Questions on a New Research Agenda', *European Political Science*, 3(1): 63-74

Vink, M P & Van Vliet, O (2009) 'Not Quite Crisp, Not Yet Fuzzy? Assessing Potential Pitfalls of Multi-value QCA', *Field Methods*, 21(3): 265-289

Vreugdenhil, D (2007) *European Police Cooperation in the Union's Mutual Fight Against The Illegal Trafficking in Drugs*, unpublished Master's Thesis, Erasmus University, Rotterdam, accessed from: http://oathesis.eur.nl/ir/repub/asset/3934/Dorine_vreugdenhil.pdf on 10 November 2010

Wagemann, C & Schneider, C Q (2007) Standards of Good Practice in Qualitative Comparative Analysis (QCA) and Fuzzy-Sets', Compasss Working Paper downloaded from <http://www.compasss.org/files/WPfiles/WagemannSchneider2007.pdf> on 22 July 2010

Walt, G., Shiffman, J., Schneider, H., Murray, S. F., Brugha, R., & Gilson., L. (2008) 'Doing' health policy analysis: methodological and conceptual reflections and challenges', *Health Policy and Planning*, 23: 308-317

Walton, D. (1996), 'Drug Couriers: The Role of Customs and Excise' from *Drug Couriers: A New Perspective*, Quartet, London.

Weiner, A (1999) 'Forging Flexibility – The British 'No' To Schengen', *European Journal of Migration and Law*, 1(4): 441-463

Wilson, L., Stevens, A., (2008), *Understanding Drug Markets and How To Influence Them*, The Beckley Foundation, London

Wonka, A & Rittburger, B, (2010) 'Credability, Complexity and Uncertainty: Explaining the Institutional Independence of 29 EU Agencies', *West European Politics*, 33(4): 730-752

Woodward, R (1993) 'Establishing Europol', *European Journal on Criminal Policy and Research*, 1(4): 7-33

WCO (2008), *World Customs Report 2008*, World Customs Organization, Brussels.

Xenakis, S (2004) 'International Norm Diffusion and Organised Crime Policy: The Case of Greece' *Global Crime* 2004, 6(3): 345-373

Zahariadis, N (2008) 'Europeanization as Program Implementation: Effective and Democratic?', *Journal of Comparative Policy Analysis*, 10(3): 221-238

Zaitch, Damian (2002), *Trafficking Cocaine: Colombian Drug Entrepreneurs in the Netherlands*, Kluwer Law International, The Hague.

Zaitch, Damian (2003), 'Recent trends in cocaine trafficking in the Netherlands and Spain.' From *Global Organised Crime: Trends and Developments*, Springer, Dordrecht, The Netherlands.

Zito, A R (2009) 'European Agencies as agents of governance and EU learning' *Journal of European Public Policy* 2009, 16(8): 1224-1243

Zobel, F & Götz, W (2011) 'Drug Use in Europe: Specific National Characteristics or Shared Models?' from, Hunt, G, Milhet., M & Bergeron, H (eds.) (2011) *Drugs and Culture – Knowledge, Consumption & Policy*, Ashgate Publishing, Farnham, Surrey